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**THE FACTORY & WORKSHOP ACT,
1878.**

THE LAW
RELATING TO
FACTORIES AND WORKSHOPS

WITH
Introduction and Explanatory Notes.

SECOND EDITION.
COMPRISING THE FACTORY AND WORKSHOP ACT, 1878, AND THE
ORDERS OF THE SECRETARY OF STATE MADE THEREUNDER.

BY
GEORGE JARVIS NOTCUTT,
SOLICITOR, FORMERLY OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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INTRODUCTION.

PRIOR to the passing of the Factory and Workshop Act, 1878, by the Factory Acts and the Workshop Acts were understood the laws which had been made, from time to time, for the purpose of regulating the employment of labour in the various branches of manufacturing industry. The former expression applied to the larger establishments known as factories, whilst the latter comprehended all those places where any handicraft work was carried on, on however small a scale, which did not come within any of the definitions of a "factory" under the Factory Acts; these last-mentioned establishments being distinguished by the legislature by the term "workshop" (*a*). The expression "The Factory Acts, 1833 to 1874," received a special definition, and comprised all the provisions of the statutes above referred to in force respecting factories, except 42 Geo. 3, c. 73, and 24 & 25 Vict. c. 117 (as to certain lace factories) (*b*). In like manner the expression "The Workshop Acts, 1867 to 1871," com-

(*a*) The term "factory" originally meant either the establishment or building occupied by factors, who conducted trade in foreign or colonial parts, or the collective body of such factors, and did not receive its present popular meaning (that is, a manufactory, or place where large numbers are employed in carrying on some manufacture) until about the close of the last century; when, owing to the more extensive use of machinery in the manufacture of cotton and wool, establishments began to be erected in various parts of the United Kingdom of considerably larger dimensions, and involving the employment of far greater numbers of workpeople than had before been known.

(*b*) 37 & 38 Vict. c. 44 (Factory Act, 1874), s. 1.

prised all of the provisions of those statutes in force respecting workshops (c).

The Acts applied, either by express enactment or by necessary implication to the whole of the United Kingdom of Great Britain and Ireland. And their enforcement was mainly secured by the very efficient system of inspection instituted by the provisions in that behalf of the statutes of 1833 and 1844.

It was at the beginning of the present century that the efforts of the legislature were first effectually directed towards the object of ameliorating the condition of children and young persons employed in manufacture, resulting in 1802 in the passing of 42 Geo. 3, c. 73, intituled "An Act for the preservation of the health and morals of apprentices and others, employed in cotton and other mills, and cotton and other factories." The operation of this statute, however, was limited to the manufacture of *cotton* and *wool*, and applied only to those mills and factories wherein *three* or more apprentices, or *twenty* or more other persons, were employed.

It was afterwards amended from time to time by various Acts, making several important additions to its provisions (see 59 Geo. 3, c. 66; 60 Geo. 3, c. 5; 6 Geo. 4, c. 63; 10 Geo. 4, c. 51; 10 Geo. 4, c. 63): but all these amending Acts were afterwards expressly repealed by 1 & 2 Will. 4, c. 39, s. 1. This statute, which was intituled, "An Act to repeal the Laws relating to Apprentices and other young Persons employed in Cotton Factories and Cotton Mills, and to make further Provisions in lieu thereof," and comprised a full code of provisions regulating the employment of labour in factories (so much so, indeed, as to seem to supersede and virtually repeal 42 Geo. 3, c. 73), was itself repealed by the Factory Act, 1833 (d), thus leaving 42 Geo. 3, c. 73, the only one of the earlier statutes unrepealed.

The statutes of 1833 and 1845 (3 & 4 Will. 4, c. 103,

(c) 34 & 35 Vict. c. 104 (Factory and Workshop Act, 1871), s. 2.

(d) 3 & 4 Will. 4, c. 103, s. 48.

and 7 & 8 Vict. c. 15) together constituted the foundation of the laws in force for the regulation of labour in factories throughout the United Kingdom up to the time of the passing of the Factory and Workshop Act, 1878. They were the results of much agitation amongst the classes most nearly interested in or affected by them, as well as of many Parliamentary and other official inquiries of a laborious and exhaustive character into the whole subject (e).

These statutes brought the manufactures of several materials besides cotton and wool (to which alone 42 Geo. 3, c. 73, had applied,) within the factory law, and established the machinery of inspection, by means of which the provisions of the Acts have been hitherto enforced.

In the following year was passed 8 & 9 Vict. c. 29

(e) It is not within the scope of this work to trace the course of the movement in which the factory laws originated, or to review the history of their gradual development. Reference for the purpose of information upon this subject may with advantage be made to "THE ENGLISH FACTORY LEGISLATION," by Ernst Edler Von Plener (First Secretary to the Imperial and Royal Austro-Hungarian Embassy in London), translated from the original German by F. L. Weinman; with an Introduction by A. J. Mundella, Esq., M.P.; London, Chapman & Hall, 1873. This treatise comprises within 200 pages an able and succinct history of the development and present working of the factory legislation in England, and of the causes which gave rise to it. "A special value and interest attaches to Herr Von Plener's history at this moment, from the fact that in almost all countries where manufacturing is conducted on an extensive scale, and where the social and educational condition of the people is an object of public solicitude, steps are being taken to adopt and extend the principles of the English factory legislation."—Mr. Mundella's Introduction, p. viii. The work was prepared with the view of promoting the carrying out of similar legislative measures on the Continent. It comprises a valuable appendix, containing abstracts of continental laws and regulations respecting the labour and education of children and young persons employed in factories, workshops, &c.

(intituled "An Act to regulate the labour of Children, "Young Persons, and Women in Print Works"), which consisted of a series of enactments, applying the principles of the Factory Acts to print works as therein defined. 33 & 34 Vict. c. 62 (Factory and Workshop Act, 1870), s. 3. But this Act together with its amending Act, 10 & 11 Vict. c. 70, was repealed, and those works were comprised within the provisions of the Factory Acts as "factories." *Id.*, ss. 4, 5.

The Factory Act, 1850 (13 & 14 Vict. c. 54), after repealing so much of the previous Acts, including 10 & 11 Vict. c. 29 (which had been passed in the interval for the purpose of limiting the hours of labour of young persons and females), as limited the hours of labour of young persons and women, substituted other provisions with respect to that matter.

So, by the Factory Act, 1853 (16 & 17 Vict. c. 104), a like provision was made with respect to children (that is, persons under the age of thirteen years).

By the Factory Act, 1856 (19 & 20 Vict. c. 38), some of the provisions of the Act of 1844 relating to dangerous machinery were amended.

In the year 1860, 23 & 24 Vict. c. 78 was passed, intituled "An Act to place the employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the regulations of the Factories Acts." It contained enactments applying the principles of the Factory Acts to those works as therein defined. 33 & 34 Vict. c. 62, s. 3. But this Act, together with its amending Acts (25 & 26 Vict. c. 8; 26 & 27 Vict. c. 38; 27 & 28 Vict. c. 98), were repealed, and the works in question subjected to the *immediate* operation of the Factory Acts as "factories" within the definition of the Factory Acts Extension Act, 1867 (30 & 31 Vict. c. 103, s. 3). *Id.*, ss. 4, 5.

The manufacture of lace had been expressly excepted from the interpretation of the term "factory" under the Factory Acts. (See 7 & 8 Vict. c. 15, s. 73; *post*, p. 127). But by 24 & 25 Vict. c. 117, factories in which machines for the manufacture of lace were moved by steam or water power were brought within the operation of the Factory Acts.

In 1862, a Royal Commission (The Children Employment Commission, 1862) was again appointed to inquire into the employment of children and young persons in trades and manufactures not then already regulated by law (*f*). Inquiries of a very exhaustive character were thereupon made, and upon the recommendations contained in the reports issued from time to time by the Commissioners was based the subsequent legislation upon the subject.

Thus, by The Factory Acts Extension Act, 1864 (27 & 28 Vict. c. 48), six manufactures and employments were added to those then already regulated by law, namely, those of the manufactures of earthenware (except brick and tiles, not being ornamental tiles), lucifer matches, percussion caps, cartridges, and the employments of paper-staining and fustian-cutting.

And by the Factory Acts Extension Act, 1867 (30 & 31 Vict. c. 103), the Acts were so extended as to comprise within their general operation nearly all the manufacturing trades and employments. For, besides the considerable number of them there *specifically* defined as factories, it was also enacted, that there should be included within the meaning of that term "*any* premises, whether adjoining or "separate, in the same occupation situate in the same "city, town, parish, or place, and constituting one trade "establishment, in, or on, or within the precincts of which "fifty or more persons are employed in *any* manufacturing "process." S. 3.

This statute was accompanied by another passed in the same Session of Parliament, intituled "The Workshop Regulation Act, 1867" (30 & 31 Vict. c. 146); the object of which was to apply some of the principles of the Factory Acts to manufactures conducted on a smaller scale than that which would bring them within the operation of those Acts.

By "The Factory and Workshop Act, 1870," the Acts which had till then been in force for the regulation of bleach-

(*f*) A Royal Commission had been appointed with the same object in 1840; and it was upon their recommendations that the Act of 1844 was passed.

ing and dyeing works, and print works, were severally repealed, and it was thereby enacted that those works should be "factories" within the Factory Acts Extension Act, 1867.

In the following Session two statutes were passed, the first of them being "The Factory and Workshop (Jews) Act, 1871" (34 Vict. c. 19), for the purpose of partially exempting Jews from the restriction against employment on Sunday; the other being "The Factory and Workshop Act, 1871" (34 & 35 Vict. c. 104), which, without further extending the operation of the Factory Acts, except in the case of the manufacture of bricks and tiles (s. 5), made a few important changes in the law respecting the enforcement of the Workshop Acts by the factory inspectors and sub-inspectors, and respecting the mode of proceeding against offenders against the Factory Acts.

Lastly was passed the Factory Act, 1874 (37 & 38 Vict. c. 44). The application of this statute was limited to factories as defined by the Factory Acts, 1833 to 1856, and lace factories as defined by the Lace Factory Act, 1861. It contained important provisions as to the hours of employment and refreshment. It raised the *minimum* age of a child to fourteen years except in cases where the prescribed educational standard had been reached. S. 12.

The result of the legislation thus cursorily reviewed above was that the principles and general regulations of the Factory Acts had come to be applied to a greater or less extent, and in 1878 still controlled the numerous manufactures, works, and employments *specifically* mentioned in the Acts, as well as all such premises as came under the *general* definitions of factories and workshops under the Factory Acts Extension Act, 1867 (*g*), and the Workshop Regulation Act, 1867 (*h*).

(*g*) "Any premises, whether adjoining or separate, in the same occupation, situate in the same city, town, parish, or place, and constituting one trade establishment, in, on, or within the precincts of which fifty or more persons are employed in any manufacturing process." 30 & 31 Vict. c. 103, s. 3.

(*h*) "Any room or place whatever, whether in the open air or

In 1875, the subject of the Factory Laws was once again referred to a Royal Commission, with a view particularly to their codification; and upon the report of this Commission has been grounded the Factory and Workshop Act, 1878 (41 Vict. c. 16.) This statute repealing *in toto* the previously existing enactments comprises within about 100 sections, a well-framed code of the regulations which are now to apply (from the 1st January, 1879, when the operation of the Act commences; p. 1) to the employment of labour in factories and workshops (i).

The Act applies to factories and workshops.

"under cover, in which any *handicraft* is carried on by any child, "young person, or woman, and to which and over which the person "by whom such child, young person, or woman is employed has the "right of access and control." 30 & 31 Vict. c. 146, s. 4. "*Handicraft*" was defined to mean "any manual labour exercised by way of "trade or for purposes of gain, in or incidental to the making of "any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for "sale any article." *Id.*

(i) A policy similar to that upon which the Factory and Workshop Acts have been founded has caused the Legislature to intervene in the like manner for the protection of other workpeople, and to regulate several other occupations besides those comprehended within these provisions. Special statutes have accordingly been passed from time to time regulating the employment of labour in mines, in bakehouses, in the employment of chimney-sweeping, and in agriculture. See "The Coal Mines Regulation Act, 1872" (35 & 36 Vict. c. 76); "The Metalliferous Mines Regulation Act, 1873" (35 & 36 Vict. c. 77); "The Bakehouse Regulation Act, 1863" (26 & 27 Vict. c. 40); 3 & 4 Vict. c. 85; and 27 & 28 Vict. c. 37 (as to Chimney-sweepers); and "The Agricultural Children Act, 1873" (36 & 37 Vict. c. 67); and as to fencing threshing machines, 41 Vict. c. 12. And see the Reports of the Children Employment Commissioners upon the above subjects. But it is not within the scope of this work to treat of the provisions of the statutes enumerated.

The factories to which it applies are divided into two classes, "textile" and "non-textile."

Textile factories within the meaning of the Act are premises where steam, water, or other mechanical power is used to work machinery employed in the several manufactures specified in the first part of the 93rd section; *e.g.*, cotton, wool, hair, and the like. P. 84.

Non-textile factories within the meaning of the Act are sub-divided into three classes, namely (1), Any of the works, &c. (nineteen in number), named and defined in Part 1 of the Fourth Schedule, p. 112; (2), Any premises named in Part 2 of the same Schedule (p. 114); *provided that* steam, water, or other mechanical power is used in aid of the manufacturing process carried on there; and (3), Any premises where manual labour is exercised by way of trade, or for purposes of gain (*a*) in the making; or (*b*), in the altering, repairing, ornamenting, or finishing; or (*c*), in the adapting for sale of any article; *provided that* the like power is used in aid of the manufacturing process carried on there. P. 84.

The "workshops" to which the Act applies are,—

- (1) Any premises named in Part 2 of the Fourth Schedule (p. 114) which are not "factories," for the reason that steam, water, or other mechanical power is not used in aid of the manufacturing process (see above); and
- (2) Any premises, room, or place (not being a factory) where any manual labour is exercised by way of trade, or for purposes of gain; (*a*), in the making; or (*b*), in the altering, repairing, ornamenting, or finishing; or (*c*), in the adapting for sale of any article; and where the employer has the right of access or control. P. 86.

The employment of a child under the age of ten years in factories and workshops to which the Act applies is absolutely prohibited. S. 20, p. 27.

The persons whose employment is subject to the several restrictions imposed by the Act are:—

- (1) "Children" under the age of fourteen years;
- (2) "Young persons;" who are defined to be persons of

the age of fourteen years, but under the age of eighteen years, and

- (3) "Women;" who are defined to be women above the age of eighteen years. S. 96, p. 89.

But children of thirteen years of age are allowed to be employed as "young persons" on attaining the prescribed educational standard. S. 26, p. 32.

The employment of male adults is not restricted. But the sanitary provisions, and the provisions relating to safety apply to the protection of such persons. Pp. 2, 4; and *n.* (g) there.

To render the employment of any person under the age of sixteen years lawful in a *factory*, the occupier must within a certain time obtain the prescribed "certificate of fitness for employment." And this same restriction in certain cases may apply to their employment in workshops. S. 27, *et seq.*, p. 33. The occupier must also once a week obtain in the case of children the prescribed certificate of school attendance. S. 24, p. 31.

The hours of the day during which the employment of children, young persons, and women for any time is lawful is prescribed; as also are the number of hours *per* day for which such workpeople can be kept employed. Pp. 14, *et seq.* Special provisions are, however, made modifying the restrictions to suit the exigencies of particular trades; and the Secretary of State is invested with considerable powers of making orders varying the requirements of the Act under the circumstances of particular cases. Pp. 44, 121, *et seq.* (k).

A certain time in the day must be allowed for meals; which are to be taken in accordance with the regulations of the Act in that behalf. P. 25.

Provision is made for securing, besides a half holiday on Saturdays, a certain number of whole or half holidays in the year. P. 27.

Important provisions are contained in the Act for the purpose of protecting workpeople generally from dangerous

(k) Several such orders have now been made. They will be found in the Appendix.

machinery ; which require the occupier of the factory to fence off or otherwise secure certain specified parts ; and subject him to heavy penalties in case of his default. Pp. 4, *et seq.*

The Act contains, moreover, a number of sanitary measures, which are principally directed towards the objects of securing cleanliness, ventilation, the prevention of overcrowding and the like. Pp. 2, *et seq.*

For the purpose of facilitating the provisions above referred to registers as prescribed are to be kept at the factory or workshop (p. 71) ; and the prescribed abstract of the Act is to be hung up there, together with various prescribed notices. (P. 72.)

The Secretary of State is empowered to appoint inspectors, whose duties are, generally, to visit factories and workshops, and to enforce the performance of the statutory requirements ; and who for those purposes are invested with ample powers of entry and inspection (*l*).

(*l*) The law relating to factories and workshops having been now so much simplified by its codification in one statute it has not been thought necessary or desirable to notice the particular enactments more at large in the foregoing introduction.

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FACTORY AND WORKSHOP ACT, 1878.

(41 VICT. c. 16.)

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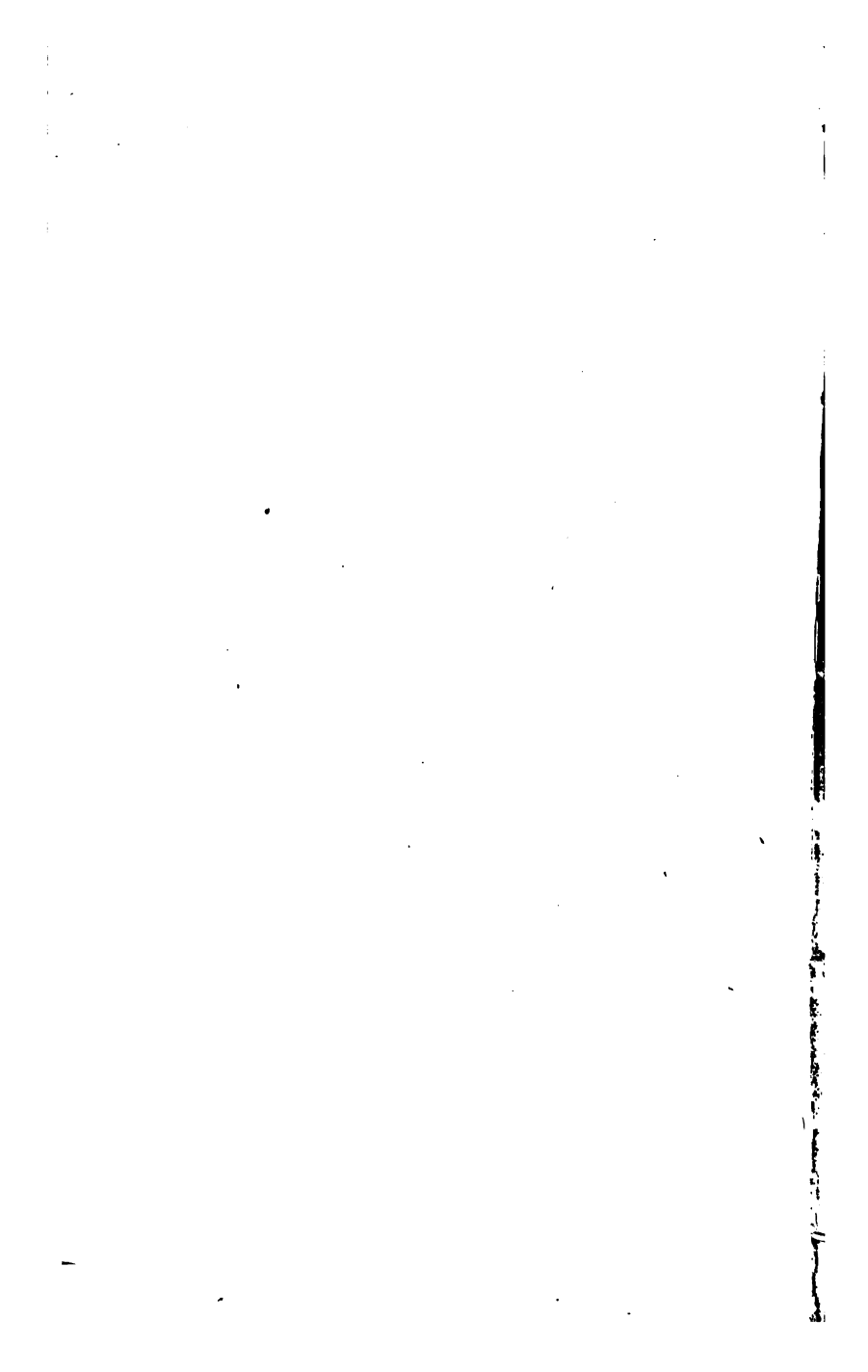
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THE
FACTORY & WORKSHOP ACT,
1878.

41 VICT. c. 16.

An Act to Consolidate and Amend the Law
Relating to Factories and Workshops.
[27th May, 1878.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

I. This Act may be cited as the Factory and Workshop Act, 1878. **Sect. 1.**
Short title.

II. This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act : Provided that at any time after the passing of this Act any appointment, regulation, or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof. **Sect. 2.**
Commence-
ment of
Act.

PART I.

GENERAL LAW RELATING TO FACTORIES AND
WORKSHOPS (a).(1.) *Sanitary Provisions.***Sect. 3.**

Sanitary
condition of
factory and
workshop.

III. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance (b).

A factory or workshop shall not be so overcrowded while work is carried on therein, as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health (c).

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (d).

(a) As to what are factories and workshops within the scope of the Act, see s. 93 ; p. 84.

(b) Special provisions are made as to limewashing, &c., for the purpose of securing the observance of this requirement as to cleanliness. S. 33, p. 38 ; and see s. 63, p. 60.

(c) In respect of factories and workshops where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the worker to an injurious extent, an inspector has power to direct the adoption of some mechanical means to prevent such inhalation. S. 36.

(d) And the occupier thereof will consequently render himself liable to a fine of £1. S. 81.

"Domestic" factories and workshops where children and young persons are not employed are exempted from the provisions of this section. S. 61.

Amongst the "nuisances" liable to be dealt with summarily

IV. Where it appears to an inspector under this **sect. 4.**
 Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority (e) in whose district the factory or work-

Notice by
 inspector to
 sanitary
 authority
 of sanitary
 defects in
 factory or
 workshop.

under the Public Health Act, 1875 (38 & 39 Vict. c. 55), the following are specified by s. 91 (of that Act), namely :—

Any premises in such a state as to be a nuisance or injurious to health (sub-s. 1).

Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family (sub-s. 5).

Any factory, workshop, or workplace (*not already under the operation of any general Act for the regulation of factories or bake-houses*), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours, dust or other impurities generated in the course of the work carried on therein, that is a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein (sub-s. 6).

But the above-mentioned provisions (sub-ss. 5 and 6) of the Public Health Act, 1875, do not apply to a factory or workshop which is subject to this Act. S. 101, *post*. And the words italicised in the enactment as above cited are repealed. S. 107, 6th sched., *post*.

(e) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board or vestry in the metropolis having like powers as such urban sanitary authority. S. 96, *infra*. For the meaning of the expression in the application of the Act to Scotland and Ireland, see ss. 105, 106.

By the Public Health Act, 1875, where it appears to any local authority by the report of their surveyor that any house is used or

Sect. 4. shop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

Sect. 5. V. With respect to the fencing of machinery in a factory (f) the following provisions shall have effect :
 Fencing of certain machinery.

(1.) Every hoist or teagle near to which any person (g) is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or

intended to be used as a factory or building, in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earthclosets, or privies, and ashpits, for the separate use of each sex. And any person who neglects or refuses to comply with any such notice is liable for each default to a penalty of £20, and to a further penalty of 40s. for every day during which the default is continued. 38 & 39 Vict. c. 55, s. 38 ; and *v. supra*.

(f) The application of this section and of ss. 6, 8, 9, *infra*, is confined to factories. Threshing machines, it may be mentioned, are now required to be fenced. 41 Vict. c. 12.

(g) It will be observed that the requirement as to fencing machinery applies to the protection of any person who is liable to pass or be employed near to it, and is not limited, as it was in some cases under the repealed Acts (see 7 & 8 Vict. c. 15, s. 21 ; 19 & 20 Vict. c. 38 ; *Britton v. The Great Western Cotton Company*, 41 L. J. Ex. 99 ; L. R. 7 Ex. 130 ; and per Parke, B., *Coe v. Platt*, 6 Exch. 757), to the protection of children, young persons, and women only.

other mechanical power, whether in the engine house or not, and every part of a steam engine and water wheel, shall be securely fenced (*h*); and

Sect. 5.

- (2.) Every wheel-race not otherwise secured (*i*) shall be securely fenced close to the edge of the wheel-race; and
- (3.) Every part of the mill-gearing (*j*) shall

(*h*) It was decided upon the corresponding provisions of the repealed Acts that their application was not limited to that part of the machinery which first conveys the power; but that it extended to every wheel from first to last, which is in any sense the *medium* of communication, although that part which actually does the work need not be fenced. *Holmes v. Clarke*, 6 H. & N. 349; 30 L. J. Ex. 135; 7 H. & N. 937; 31 L. J. Ex. 356. It will not be sufficient that the machinery be fenced in the ordinary manner used and approved as sufficient in the best regulated mills in the district, "for," as was said by the Court in *Schofield v. Schunk*, 24 L. T. 253, "the best regulated mills might be ill-regulated mills in which the "machinery was not securely fenced." But the adoption of the best means of fencing machinery known at the time would be sufficient. *Id.*

(*i*) For the purpose of being "otherwise secured," it is not sufficient that the wheel-race is only accessible on unusual occasions. *Britton v. Great Western Cotton Company*, *ubi supra*.

(*j*) The expression "mill-gearing," comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. S. 96.

It has been held by the Court of Queen's Bench, upon 7 & 8 Vict. c. 15, s. 21, to amount to no excuse for not fencing a shaft (being part of mill-gearing in motion), that it was not near to where any person was employed, but was at such a distance and height away from the nearest place of approach thereto, and was so situated that no danger or liability to accident existed therefrom so as to require it to be fenced (*Doel v. Sheppard*, 5 E. & B. 856; 25 L. J. Q. B.

Sect. 5.

either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced; and

- (4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process (*k*).

124, and 19 & 20 Vict. c. 38, s. 4). The requirement of this section, however, is in the alternative, namely, that the mill-gearing shall *either* be securely fenced, or be in such a position, or of such construction as to be equally safe to every person employed, as it would be if it were securely fenced.

(*k*) It would seem that the obligation imposed by sub-s. 4 does not apply to cases in which the engine is used for other than manufacturing purposes; as, for instance, trying whether the machinery is in repair. See *Coe v. Platt*, *ubi supra*. The mill-gearing in each separate room of a factory is separate and distinct from the mill-gearing in any other room; and, consequently, requires fencing only when some manufacturing process is going on in that room, and it is in motion for that purpose. Thus, in a cotton factory the machinery was worked by a steam-engine which drove an horizontal shaft passing along the lower floor of the factory; this horizontal shaft moved several vertical shafts which passed through the upper floors, and worked the machinery by which the cotton was manufactured in the different rooms of the factory. One of these vertical shafts had its fencing removed for the purpose of repair, and all the machines which were worked by this shaft were at rest; but the vertical shaft itself revolved, and the process of manufacture continued to be carried on in the other rooms of the factory. In an action brought by a young person, an employée in the factory, for an injury sustained by the revolution of this vertical shaft, the question in effect was, whether that part of the machinery which caused the accident was in *motion for a manufacturing process*. And the Court of Exchequer decided it in the negative. *Coe v. Platt*, 7 Exch. 923; 22 L. J. Ex. 164.

A factory in which there is a contravention of Sect. 5.
 this section shall be deemed not to be kept in conformity with this Act (l).

(l) For this offence the occupier will be liable to a penalty of £10. S. 81. But if any person is killed or injured in consequence of his neglect in complying with the requirements of this and following sections, the penalty to which he renders himself liable will be £100. S. 82.

Moreover, in the event of personal injury to any person employed at the factory, arising from such neglect to fence any machinery, &c., required by the Act to be fenced, the owner or occupier will be liable to an action for the recovery of damages at the suit of such person (or, if he is killed, at the suit of his personal representatives, under Lord Campbell's Act, 9 & 10 Vict. c. 93); this action being founded upon the breach of a *statutory* duty. The fact that the statute imposes penalties does not deprive the injured party of this right of action, the remedy by penalties being cumulative. *Caswell v. Worth*, 5 EL. & BL. 849; 25 L. J. Q. B. 121; 2 Jur. N. S. 116; *Couch v. Steel*, 3 E. & B. 402; 23 L. J. Q. B. 402. And the duty to fence being thus imposed by statute, the occupier will be liable for the injury sustained by the servant in consequence of a neglect of that duty, notwithstanding the general doctrine (see *The Barton's Hill Coal Co. v. Reid*, 3 Macq. H. L. Ca. 266; 2 Jur. N. S. 767) that the servant cannot recover for injuries sustained whilst in his master's service. *Holmes v. Clarke*, *ubi supra*, n. (h). But the negligence of the plaintiff would be a good defence; *id.*; *Caswell v. Worth*, *ubi supra*; *M'Cracken v. Dargan*, 1 Irish Jurist, N. S. 404. In one case it was held, that where machinery is required by Act of Parliament to be protected so as to guard against danger to persons working it, if a servant enters into the employment when the machinery is in a state of safety, and continues in the service after it has become dangerous in consequence of the protection being decayed or withdrawn, but complains of the want of protection, and the master promises to restore it, but fails so to do, the master is guilty of negligence, and if any accident occurs to the servant, is responsible. "Many cases," says *Pollock*, C. B., delivering the

judgment of the Court, "might be put in which a servant might reasonably incur the risk instead of abandoning the service; and, if during a period when the danger of the service is increased by the machinery becoming unprotected either by accident or from other cause, the servant complains, and the master promises that the protection shall be restored, it must be considered that the master takes upon himself the responsibility of any accident that may occur during that period." *Holmes v. Clarke*. This decision was upheld on appeal by the Court of Exchequer Chamber (though, as to some of the judges, mainly upon the ground that, independently of any statutory duty or obligation, there was *negligence* in the defendant in not fencing the machinery on which the plaintiff was employed); 7 H. & N. 937; 31 L. J. Ex. 356; 9 L. T. N. S. 178. In the case of *Britton v. The Great Western Cotton Co.*, L. R. 7 Ex. 130; 41 L. J. Ex. 99; 27 L. T. N. S. 125; 20 W. R. 525; the facts were as follows: The deceased, B., who was twenty-two years old, entered the defendant's service as a coal-trimmer on the 27th September, 1870. He was promoted to be an engine-driver on the 11th October, and on the 14th was requested to grease the bearings between the fly and spur wheel of a steam-engine. The fly-wheel was 15 feet, and the spur-wheel 16 feet in diameter. At the time of the accident which caused his death, he had been five days at his work. In order to do it, he had to stand on a wall in a cavity made for the purpose, into which he crawled through the spokes of the fly-wheel, which was on his left hand, revolving in a wheel-race in the engine-house at the rate of fifty-six revolutions a minute; the spur-wheel being on his right hand, revolving at the same rate, in a room in the factory. The wall was 2 feet 6 inches thick, and the utmost distance between the spokes of the two wheels was 2 feet 10 inches. The wheel-race in which the fly-wheel revolved was fenced in the engine-house along its outer edges, but was unprotected on the wall side at the place where B. was placed to do his work. On the sixth morning of his employment he was caught up by the fly-wheel, whirled into the air, and killed. The action was then brought under Lord Campbell's Act, to recover the pecuniary loss caused to his widow and child by his death. The learned judge, *Brett, J.*, having ruled at the trial that there was an unqualified duty to fence the wheel-race, not being otherwise secured, close to its edge, the jury found,

first, that the place in question was the edge of a "wheel-race" (about which there had been some conflict of evidence); and, secondly, that the deceased had not been guilty of contributory negligence either in undertaking the employment or whilst engaged upon it. A rule having been afterwards obtained, upon leave reserved, on the grounds, amongst others, that there was no statutory duty to fence the place in question, and that the deceased had *voluntarily* incurred the risks incidental to his employment, it was held by the Court of Exchequer, first, That the defendants were bound under 7 & 8 Vict. c. 15, s. 21, to fence the place where B. had to stand, it being the edge of a wheel-race "not otherwise secured;" and, secondly, that the dangerous character of the employment was not so obvious as that he must necessarily be taken to have known it; and that, even assuming he did know it, that circumstance was not enough to constitute him a "volunteer" in such a sense as to exonerate the defendants from liability for the consequences of their breach of their *statutory* duty.

A., an operative in a factory, sued B., the owner, for an injury alleged to have happened in the course of his employment, by reason of a certain shaft in motion for the manufacturing process then going on, not having been securely fenced pursuant to 7 & 8 Vict. c. 15, s. 21. B. pleaded that it was the duty of A., at the time of the accident in question, to put a certain belt upon one of the drums attached to the shaft, which were beyond the reach of A. unless he raised himself above the level of the floor; that it was a positive and known rule of the factory not to put a belt upon a drum by hand, nor otherwise than by a crutch, which was provided for that purpose; and that A. had been expressly forbidden to attempt putting the belt on by hand or without using the crutch; and that A., in violation of the rule and express command, by means of a certain board insecurely placed at a height upon the floor, proceeded to put the belt with his hand, and without the aid of the crutch, upon the drum attached to the shaft; whereby, and not by the defendant's default, the injury happened. Upon demurrer to this plea it was held that the defence was a good answer to the action. *McCracken v. Dargan*, 1 Irish Jurist, N. S. 404 (Q. B.).

Again, the owner or occupier of the factory, by neglecting to provide sufficient fencings, or to take reasonable precautions to pre-

Sect. 6.

Fencing
of other
dangerous
machinery,
of which
notice is
given by
inspector.

VI. Where an inspector considers that in a factory any part of the machinery (*m*) of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery :

vent accidents from dangerous machinery, may render himself liable to an action at the suit of any injured person, founded upon his *common law* duty in that respect, and independently of any statutory provisions. *Holmes v. Clarke, ubi supra* (Exch. Ch.). For the doctrine is, that, where a servant is employed on machinery, from the use of which danger may arise, it is the duty of the master to take due care and to use all reasonable means to guard against and prevent any defects from which increased and unnecessary danger may arise. *Id.* ; *Barton's Hill Coal Co. v. Reid*, 3 Macq. H. L. C. 266, 288 ; *Roberts v. Smith*, 2 H. & N. 213 ; 26 L. J. Ex. 319 ; *Ashworth v. Stanwix*, 30 L. J. Q. B. 183 ; 3 E. & E. 701 ; *Mellors v. Shaw*, 1 B. & S. 437 ; 30 L. J. Q. B. 333 ; *Watling v. Oastler*, 40 L. J. Ex. 43. But in this action, as in that founded upon the *statutory* liability, the contributory negligence of the plaintiff will afford a good defence ; *vide supra*, p. 7.

Moreover, although the machinery may be sufficiently fenced to satisfy both the *statutory* and the *common law* duty in that behalf (see *ante*), the owner may, notwithstanding, render himself liable for injuries incurred by his work-people in the use of it by reason of his (the owner's) negligence in the use of the machinery ; as by employing a young person about it quite inexperienced in its use ; or with directions which are improper and which are likely to lead to danger of which the young person is not aware, and of which the owner is aware ; "for, as it is his duty to take reasonable care "to avert such danger, he is responsible for any injury which may "ensue from the use of such machinery." *Per Cockburn*, L. C. J. ; *Grizzle v. Frost*, 3 F. & F. 622.

(*m*) Including any driving strap or band. Sub-s. 6.

- (1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous : **Sect. 6.**
- (2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration ; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier ; and the provisions of the Companies Clauses Consolidation Act, 1845, ^{8 & 9 Vict. c. 16.} with respect to the settlement of disputes by arbitration (n) shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow ; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate :
- (3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act :

(n) 8 & 9 Vict. c. 16, ss. 128—134.

Sect. 6.

- (4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court :
- (5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act :
- (6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

Sect. 7.

VII. Where an inspector considers that in a Fencing of factory or workshop (o) a vat, pan, or other structure,

(o) It will be observed that the application of this section is not confined to factories, as are sections 5, 6, 8, 9. And it will also be observed, that its requirements extend only to those structures

which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons (*p*) are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

Sect. 7.

dangerous
vats or
structures
of which
notice is
given by
inspector.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

VIII. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

Sect. 8.

Fixing of
grindstones
securely and
replacing of
faulty
grindstone
when notice
is given by
inspector.

The provisions of this Act with respect to the

near to or over which children or young persons are liable to pass or to be employed. See n. (*g*), *supra*.

(*p*) The expression "child" means a person under the age of 14 years; and "young person" a person of the age of 14 years, and under the age of 18 years. S. 96.

Sect. 8. fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

Sect. 9.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

IX. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

A young person or woman (*q*) shall not be allowed to clean such part of the machinery in a factory as is mill-gearing (*r*) while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act (*s*).

(3.) *Employment and Meal Hours.*

Sect. 10.

Period of employ-

X. A child, young person, or woman shall not

(*q*) The expression "woman" means a woman of 18 years of age and upwards. S. 96.

(*r*) See n. (*j*), p. 5.

(*s*) For the offence of employing a child, young person, or woman, contrary to the provisions of the Act, the occupier renders himself liable to a fine of £3, or if the offence is committed during the night £5 for each child, young person, or woman so employed. S. 83.

be employed in a factory or workshop except Sect. 10.
 during the period of employment hereinafter men- ment of
 tioned (t). children,
young per-
sons and
women.

(t) See definitions of expressions "child," "young person," and "women." S. 96. The employment of a child under ten years of age, in factories or workshops, is entirely prohibited. S. 20. A child of thirteen years who has attained a certain standard of education may be employed as a young person. S. 28.

By employment is meant working in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein. S. 94.

The period of employment must be specified in a notice affixed in the factory or workshop; and the period so specified will be deemed to be the period of employment there. See s. 19. As to the use of a public clock for the purpose of regulating the period of employment, see s. 76.

For the penalties attached to the offence of employing persons contrary to the Act, see ss. 83, 84.

Section 11, *infra*, regulates the period of employment for young persons and women in textile factories; s. 12, for children in textile factories; s. 13, for young persons and women in non-textile factories and for women in workshops; s. 14, for children in non-textile factories and workshops; s. 15, for women in workshops, and s. 16, for children and young persons in what are called "domestic" workshops. Ss. 42—52, contain several special exceptions relaxing the law as to the period of employment in certain cases; s. 50 containing regulations in favour of Jews.

The Act contains several "special exceptions," relaxing the general law as to the period of employment, ss. 42—51;—and as to meal hours, s. 52; and employment overtime, and night employment are allowed in some cases, subject to restrictions. Ss. 53—60.

Sect. 11.

Period of
employ-
ment, &c.,
for young
persons and
women in a
textile
factory.

XI. With respect to the employment of young persons and women in a textile factory (*u*) the following regulations shall be observed :

- (1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and
- (2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning (*v*),¹ and
- (3.) Where the period of employment on Saturdays begins at six o'clock in the morning, that period—
 - (a.) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever ; and
 - (b.) If less than one hour is allowed for meals, shall end at half an hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ; and
- (4.) Where the period of employment on Satur-

(*u*) For the definition of "textile" factory, see s. 93; p. 84.

(*v*) In the factories and workshops specified in the third Schedule, pt. 1, the occupier has the option of fixing the period of employment, except on Saturday, between eight a.m. and eight p.m. ; and on Saturday, between eight a.m. and four p.m., or between seven a.m. and three p.m. S. 42 : pp. 44, 105.

day begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever; and

- (5.) There shall be allowed for meals during the said period of employment in the factory ^(w)—

(a.) On every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(b.) On Saturday not less than half an hour; and

- (6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half-an-hour for a meal ^(x).

XII. With respect to the employment of children **Sect. 12.**
in a textile ^(y) factory the following regulations shall be observed—

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only; ^(z) and

Period of employment for children in textile factory.

^(w) The times allowed for meals must be specified in a notice affixed in the factory or workshop, and the times so specified will be deemed to be the times allowed there. S. 19.

^(x) In certain cases, between the first day of November and the last of March, employment is allowed to be continuous without this interval. S. 48.

^(y) See n. (u), *supra*.

^(z) The occupier is required to specify in a notice affixed in the

Sect. 12.

- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and
- (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and
- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person; and
- (5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week (a) if on any other day in the same week his period of employment has exceeded five hours and a half; and
- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be

factory or workshop on which of these two systems children are employed; and all the children must be employed according to the system so specified. S. 19.

(a) "Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night. S. 96.

employed on two successive days, and shall not be employed on the same day of the week in two successive weeks; and Sect. 12.

- (7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half an hour for a meal (*b*).

XIII. With respect to the employment of young persons and women in a non-textile factory (*c*), and of young persons in a workshop, the following regulations shall be observed : Sect. 13.

- (1.) The period of employment (*d*), except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and Period of employment &c., for young persons and women in non-textile factory, and for young persons in workshop.
- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning, or at seven o'clock in the morning, and end at two o'clock in the afternoon (*e*); and

(*b*) n. (*x*), *supra*.

(*c*) For the definition of "non-textile" factory, see s. 93. Print works, and bleaching and dyeing works are "non-textile" factories, but they are regulated by ss. 11, 12, as to the period of employment. S. 40.

(*d*) The Secretary of State has power to meet the exigencies of particular trades by granting a "special exception" in favour of non-textile factories and workshops, making the period of employment between the hours of nine a.m. and nine p.m. S. 43; and see s. 42. As to the period of employment in bakehouses of male young persons of 16 years of age, see s. 45.

(*e*) See s. 18.

Sect. 13.

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(a.) On every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ; and

(b.) On Saturday not less than half an hour ; and

(4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal (f).

Sect. 14.

Period of employment for children in non-textile factory and workshop.

XIV. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed (g) :—

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only ; and

(2.) The period of employment for a child in a

A Secretary of State is, moreover, empowered to grant a special exception in favour of any class of non-textile factories or workshops, substituting some other day in the week for Saturday as regards the hour at which the period of employment is required by the Act to end on Saturday. S. 46. As to the hours of employment on Saturday in the process of Turkey red dyeing, see s. 47.

(f) See n. (x), *supra*.

(g) See notes to the preceding section.

morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and Sect. 14.

- (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and
- (4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and
- (5.) When a child is employed on the alternate day system—
 - (a.) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and
 - (b.) The period of employment for such child shall on Saturday begin at six or seven o'clock in the

Sect. 14.

morning, and end at two o'clock in the afternoon; and

- (c.) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but

- (d.) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks; and

- (6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half an hour for a meal.

Sect. 15.

Period of employment, time for meals, and length of continuous employment for women in workshop.

XV. With respect to the employment of women in workshops, the following regulations shall be observed:

- (1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop (h); and
- (2.) In a workshop which is conducted on the system of not employing therein either children or young persons—

- (a.) The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning

(h) S. 13.

and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and Sect. 15.

- (b.) There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

XVI. Where (i) persons are employed at home, Sect. 16.
that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu

Period of employment and time for meals for children and young persons in domestic workshop.

(i) This section comprises the definition of what are called "domestic" factories and workshops. But the exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, will not of itself constitute such house or room a workshop when the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family. S. 98 ; p. 92.

As to the exemptions in favour of certain handicrafts, see s. 97.

Sect. 16. thereof the following regulations shall be observed therein :

- (1.) A child or young person shall not be employed in the factory or workshop except during the period of employment herein-after mentioned ; and
- (2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and
- (3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and
- (4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set ; and
- (5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on

any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and Sect. 16.

- (6.) A child shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

XVII. With respect to meals the following regulations shall (save as is in this Act specially excepted,) be observed in a factory and workshop : Sect. 17.

- (1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day; and Meal times to be simultaneous, and employment during meal times forbidden.

- (2.) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is the being carried on (*j*).

(*j*) These regulations do not apply to domestic factories and workshops, nor to workshops where children and young persons are not employed. S. 61. Nor do they apply in the cases and to the extent mentioned in part 2 of the 3rd schedule. S. 52; 3rd sched. pt. 2; pp. 51, 106.

In glass works, lucifer match works, and earthenware works, certain parts of the premises are forbidden as the places for meals. S. 39, and 2nd sched. And a Secretary of State has power to extend the prohibition to other trades. *Id.*

As to meal hours in the case of employment overtime under the Act, see s. 53, sub-s. 1; p. 52.

A child, young person, or woman, who is not allowed times for meals and absence from work as required by the Act, or who during any part of the times allowed for meals and absence from work is,

Sect. 18.

Regulations
as to
employ-
ment on
Saturday of
young
persons or
women
employed
only eight
hours a day.

XVIII. The period of employment (*k*) on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector (*l*).

Sect. 19.

Notice
fixing
period of
employ-
ment, hours
of meals,
and mode of
employment
of children.

XIX. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) (*m*) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days, according to the system for the time being specified in such notice:

Provided that a change in such period or times

in contravention of the Act, employed in a factory or workshop, or allowed to remain in any room, is employed contrary to the Act. S. 83; p. 75.

(*k*) S. 13; p. 19.

(*l*) The provisions of the Act as to the affixing of any notice or abstract in a factory or workshop, or of specifying any matter in the notices so affixed, and as to the allowance of any holidays to a child, young person or woman, do not apply to domestic factories or workshops, nor to workshops where children and young persons are not employed. S. 61.

(*m*) See n. (*l*), *supra*.

or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector. **Sect. 19.**

XX. A child under the age of ten years shall not be employed in a factory or a workshop (*n*). **Sect. 20.**

XXI. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop (*o*). **Sect. 21.**

(4.) *Holidays.*

XXII. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) (*p*) allow to every child, young person, and woman employed therein the following holidays (*q*); that is to say, **Sect. 22.**

- (1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition
- (2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and

(*n*) The *minimum* age under the Factory Act, 1844, was eight years. 7 & 8 Vict. c. 15, s. 29.

(*o*) An exception is made by sect. 51 in favour of Jews.

(*p*) These provisions do not apply to domestic factories and workshops, nor to workshops where children are not employed. S. 61, and see s. 50.

(*q*) A Secretary of State can in certain cases grant special exceptions authorizing the allowance of whole or half holidays on different days to any of the persons employed. S. 49. As to holidays in Scotland and Ireland, see s. 105, sub-s. 2; s. 106, sub-s. 2.

Prohibition of employment of children under ten.

Prohibition of employment of children, young persons, and women on Sunday.

Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

38 & 39 Vict. c. 13.

Sect. 22.

- (3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and
- (4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and
- (5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who

- (a.) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or

- (b.) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,

shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds (r).

(5.) *Education of Children.*

Sect. 23.

XXIII. The parent of a child employed in a factory or in a workshop shall cause that

child to attend some recognised efficient school (which school may be selected by such parent) (s), as follows :

Sect. 23.

at school of
children
employed in
a factory or
workshop.

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance ; and
- (2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances :
- (3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State

(s) The expression "parent" means a parent, guardian of, or person having the legal custody of, or control over, or having benefit from the wages, of a child or young person. S. 96. The "parent" will incur a penalty of £1 for neglecting to send the child to school. S. 84. The expression "recognised efficient school," means a "certified efficient school" (as defined by section 95), and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education. A "certified efficient school," is a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873 (33 & 34 Vict. c. 75 ; 36 & 37 Vict. c. 86), and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school. S. 95.

Sect. 23.

with the consent of the Education Department and be between the hours of eight in the morning and six in the evening (t):

Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed; and
- (b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause; and
- (c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education De-

(t) The expression "Secretary of State," means one of Her Majesty's Principal Secretaries of State. And "Education Department," the Lords of the Committee of the Privy Council on Education. S. 96. For the purposes of this enactment "Attendance" has been defined to mean the attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects. App. 134.

partment every case of the approval of a school by him under this section. **Sect. 23.**

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

XXIV. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate (according to the prescribed (*u*) form and directions) respecting the attendance of such child at school in accordance with this Act. **Sect. 24.**

Obtaining
of school
attendance
certificate
by occupier
of factory or
workshop.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act (*v*).

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

XXV. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person **Sect. 25.**

Payment by
occupier on

(*u*) That is, prescribed for the time being by a Secretary of State.
S. 96.

(*v*) S. 83.

Sect. 25. authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

application
of sum for
schooling
of child, and
deduction of
it from
wages.

Sect. 26. XXVI. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as hereinafter mentioned, that child shall be deemed to be a young person for the purposes of this Act.

Employ-
ment as
young
person of
child of 13
on obtaining
an educa-
tional
certificate.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the *London Gazette*, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school (*w*) shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(*w*) That is, a day industrial school certified by a Secretary of State under the Elementary Education Act, 1876, 39 & 40 Vict. c. 79, s. 16, and the Industrial Schools Act, 1866, 29 & 30 Vict. c. 118.

(6.) *Certificates of Fitness for Employment.*

XXVII. In a factory (*x*) a child or a young person **Sect. 27.**
 under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed (*y*) form, of the fitness of such child or young person for employment in that factory.

Certificate
 of fitness
 for employ-
 ment of
 children
 and young
 persons
 under 16 in
 factories.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate (*z*).

XXVIII. In order to enable occupiers of work- **Sect. 28.**

(*x*) Section 27 applies to factories only, but a Secretary of State is empowered to extend it to any class of workshops he may think expedient. S. 41. By s. 61, the provisions as to certificates of fitness for employment are to apply to "domestic" factories as if the same were workshops and not factories, p. 58.

(*y*) See n. (*u*), *supra*.

(*z*) The certificate must not be granted except upon personal examination and (as the general rule) at the place where the person is to be employed. S. 73. As to the appointment, remuneration and duties of certifying surgeons, see ss. 71—74. As to the power of an inspector to annul their certificates, s. 30.

A written declaration of the certifying surgeon that he has personally examined a person employed, and believes him to be under the age set forth, is admissible evidence of the age in summary proceedings. S. 92.

Sect. 28. shops (a) to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Certificate of fitness for employment of children and young persons under 16 in workshops.

Sect. 29. XXIX. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Sect. 30. XXX. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may

Supplemental provisions as

(a) The occupier of a workshop is not *obliged* to obtain the certificate except in the cases of workshops to which the requirements of s. 27 has been extended by order of a Secretary of State. See n. (x), *supra*.

be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

Sect. 30.

to certificate
of fitness for
employ-
ment.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births (*b*), of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876 (*c*), to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

39 & 40 Vict.
c. 79.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(*b*) See the Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88).

(*c*) 39 & 40 Vict. c. 79, ss. 7, 25. See s. 104 as to the modes of proving ages in Scotland and Ireland respectively.

(7.) *Accidents.*

Sect. 31.
Notice of
accidents
causing
death or
bodily
injury.

XXXI. Where there occurs in a factory or a workshop any accident (*d*) which either—

- (*a.*) causes loss of life to a person employed in the factory or in the workshop, or
- (*b.*) causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent (*e*) the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(*d*) As to the duties of the occupier in respect of protecting persons employed from dangerous machinery, &c., see pp. 5, *ante*, et seq. ; ss. 6, et seq.

The requirements of this section do not apply to domestic factories and workshops, nor to workshops where children and young persons are not employed. S. 61 ; p. 58, *post*.

(*e*) An injured person will be held to have been "*prevented from returning to his work*" if he returns within the limited time with the intention of working, but without the ability to continue at his ordinary work ; for his return with the intention of resuming work but without being in a state to fulfil it, is not sufficient. *Lakeman v. Stephenson*, L. R. 3 Q. B. 92 ; 37 L. J. M. C. 57 ; 9 B. & S. 54 ; 16 W. R. 509 ; 17 L. T. N. S. 539.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds. **Sect. 31.**

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875 (*f*), to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section. **38 & 39 Vict c. 17.**

XXXII. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof. **Sect. 32.** *Investigation of and report on accidents by certifying surgeon.*

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector (*g*), and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

(*f*) 38 & 39 Vict. c. 17, s. 63.

(*g*) S. 68 (power of inspector).

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR
CLASSES OF FACTORIES AND WORKSHOPS.*(1.) Special Provisions for Health in certain
Factories and Workshops.***Sect. 33.**

Limewash-
ing and
washing of
the interior
of factories
and work-
shops.

XXXIII. For the purpose of securing the observance of the requirements of this Act as to cleanliness (*h*) in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*i*).

Where it appears to a Secretary of State that in any class of factories or workshops, or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories or

(*h*) See s. 3; p. 2, *ante*.

(*i*) And the occupier will be liable to a penalty of £10. S. 81.

workshops, or parts thereof, a special exception **Sect. 33.**
that the regulations in this section shall not apply
thereto (*j*).

XXXIV. Where a bakehouse (*k*) is situate in any **Sect. 34.**
city, town, or place containing, according to the last
published census for the time being, a population of
more than five thousand persons, all the inside walls
of the rooms of such bakehouse, and all the ceilings
or tops of such rooms (whether such walls, ceilings,
or tops be plastered or not), and all the passages
and staircases of such bakehouse, shall either be
painted with oil or varnished or be limewashed, or
be partly painted or varnished and partly lime-
washed; where painted with oil or varnished there
shall be three coats of paint or varnish, and the
paint or varnish shall be renewed once at least in
every seven years, and shall be washed with hot
water and soap once at least in every six months;
where limewashed the limewashing shall be renewed
once at least in every six months.

Limewash-
ing, paint-
ing and
washing of
the interior
of bake-
houses.

A bakehouse in which there is any contravention
of this section shall be deemed not to be kept in
conformity with this Act.

XXXV. Where a bakehouse is situate in any **Sect. 35.**
city, town, or place containing, according to the last
published census for the time being, a population of
more than five thousand persons, a place on the
same level with the bakehouse, and forming part of
the same building, shall not be used as a sleeping
place, unless it is constructed as follows; that is to
say,

Provision as
to sleeping
places near
bakehouses.

(*j*) Before availing himself of any special exception granted by a
Secretary of State under this part of the Act, the occupier must serve
upon the inspector and affix in the factory or workshop proper notice
of his intention so to do. See s. 66.

(*k*) *I.e.*, any place in which is baked bread, biscuits, or confectionery,
from the baking or selling of which a profit is derived. S. 96; 4th
sched. (22); pp. 91, 115.

Sect. 35. unless it is effectually separated from the bake-house by a partition extending from the floor to the ceiling; and
 unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

Sect. 36.

Provision as to ventilation by fan in factories and workshops.

XXXVI. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent (1), it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Sect. 37.

Protection of workers in wet-spinning.

XXXVII. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

A factory in which there is a contravention of

(1) Section 3 contains a general provision that factories and workshops shall be ventilated in such a manner as to render harmless so far as is practicable all the dust and other impurities generated in the course of the manufacturing process or handicraft. P. 2, *ante*.

this section shall be deemed not to be kept in conformity with this Act. Sect. 37.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

XXXVIII. A child or young person shall not, to the extent mentioned in the first schedule to this Act (*m*), be employed in the factories or workshops or parts thereof named in that schedule. **Sect. 38.**
Prohibition of employment of children and young persons in certain factories or workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies (*n*).

XXXIX. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals (*o*) in the parts of factories or workshops to which this section applies (*p*); and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act. **Sect. 39.**
Prohibition of taking meals in certain parts of factories and workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the second schedule to this Act.

Where it appears to a Secretary of State that by

(*m*) The restriction affects the following processes and manufactures, namely, silvering mirrors, making white lead, melting or annealing glass, making or finishing of bricks or tiles (not being ornamental tiles), the making or finishing of salt, grinding in the metal trade, the dipping of lucifer matches, and fustian cutting. See 1st sched. ; p. 103, *post*.

(*n*) See s. 61 ; p. 58, *post*.

(*o*) S. 17 contains the general regulations as to meals. P. 25, *ante*.

(*p*) This restriction applies to glass works, lucifer match works, and earthenware works.

Sect. 39. reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

Sect. 40.

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

XL. In print works and bleaching and dyeing works (g) the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories: save that

(g) These works are "non-textile factories" (see s. 93), and as such would but for the enactment of this section be subject to the regulations of ss. 11, 12, as to the period of employment. "Print works" are any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted or silken yarn, or upon any woven or felted fabric not being paper. "Bleaching and dyeing works" are any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on. S. 96; 4th sched. (1), (2); pp. 91, 112.

nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory. **Sect. 40.**

XLI. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness (r) of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories. **Sect. 41.**
Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children, and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(r) See s. 28.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops (s).*(a.) *Period of Employment.***Sect. 42.**

Period of
employment
between
8 a.m. and
8 p.m. in
certain
cases.

XLII. In the factories and workshops or parts thereof to which this exception applies (*t*) the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in part one of the third schedule to this Act (*t*).

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to

(s) Before availing himself of a special exception under this part of the Act (*i.e.* ss. 33—66) the occupier must, not less than seven days beforehand, serve on an inspector, and (except in cases in which the requirement of the Act as to affixing notices does not apply (see s. 61)) affix on the premises notice of his intention so to do, otherwise the exception will not apply. S. 66. And see s. 66 (as to entries in the register); p. 62, *post*.

(*t*) See the enumeration thereof in 3rd sched., pt. 1.

the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly. **Sect. 42.**

XLIII. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening. **Sect. 43.**
Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

XLIV. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions : namely, **Sect. 44.**
Power of working male young persons above 16 in lace factories.

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment

Sect. 44.

in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours ; and

- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period ; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory

Sect. 45.

Power of
working
male young
persons
above 16 in
bakehouses.

XLV. The regulations of this Act with respect to the employment of young persons in non-textile (u) factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from

work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours ; and

Sect. 45.

(b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse he shall not be employed after the end of that period on the same day ; and

(c.) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons (x).

(x) Such an order has now been made. See Appendix, p. 121.

Sect. 46. XLVI. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day *(u)*.

Sect. 47. XLVII. In the process of Turkey red dyeing, nothing in part one of this Act shall prevent the employment of young persons and women on Saturday until half past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

Sect. 48. XLVIII. In any of the textile factories to which this exception applies *(v)*, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice *(w)*, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or

(u) The Secretary of State has now made an order under this section. App. 122.

(v) Namely, factories solely used for the making of elastic web, of ribbon, or of trimming. 3rd sched., pt. 7 ; p. 111.

(w) n. (s), p. 44.

woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half an hour for a meal, for the same period as if the factory were a non-textile factory (*x*). **Sect. 48.**

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act (*y*).

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly (*z*).

XLIX. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorizing the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in **Sect. 49.**
Giving half
holidays and
holidays on
different
days to
different
sets of
children,
young per-
sons, and
women.

(*x*) That is, five hours instead of four-and-a-half hours. S. 11, sub-s. (6) ; s. 13, sub-s. (4).

(*y*) Namely, factories solely used for the making of elastic web, of ribbon, or of trimming. Third sched., pt. 7, *post*, p. 111.

(*z*) The exception has been thus extended in favour of certain factories. App. 124.

Sect. 49. his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days (a).

Sect. 50. L. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—
 Employ-
 ment of
 young
 persons and
 women by
 Jewish
 occupiers of
 factories or
 workshops.

(1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening; or

(2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening; or

(3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided (z), any two public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

Sect. 51. LI. No penalty shall be incurred by any person
 Employi on respect of any work done on Sunday in a factory

(y) S. 22 contains the general provisions as to holidays. The Secretary of State has granted an exception under this section in favour of certain processes. App. 125.

(z) S. 19, p. 26 *ante*.

or workshop by a young person or woman of the Jewish religion, subject to the following conditions: **Sect. 51.**

- (1.) The occupier of the factory or workshop shall be of the Jewish religion; and
- (2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday; and
- (3.) The occupier shall not avail himself of the exception authorizing the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(b.) *Meal Hours.*

LII. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day (a) shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act (aa).

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on (a), shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act (aa).

(a) See s. 17.

(aa) *Post*, p. 106.

ment of
Jews by
Jews on
Sunday.

Sect. 52.
Exception
as to meal
times being
simul-
taneous and
as to
employment
or remaining
in room
where
manufactur-
ing process
is carried on
during
meal times.

Sect. 52. Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend the same accordingly (a).

(c.) *Overtime.*

Sect. 53.
Power to
employ
young
persons
and women
for 14 hours
a day.

LIII. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies (b) of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

(a) Orders have been made extending this exception in certain cases. App. 126, 128.

(b) See 3rd sched., pt. 3, *post*, p. 107.

This exception applies to the factories and work- **Sect. 53.**
shops and parts thereof specified in Part Three of the
Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

LIV. If in any factory or workshop or part **Sect. 54.**
thereof to which this exception applies (c), the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes : Power to employ for half an hour after end of work where process is in an incomplete state.

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secre-

(c) See 3rd sched., pt. 4, *post*, p. 110.

Sect. 54. tary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly (c).

Sect. 55. LV. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Sect. 56. LVI. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies (d), of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such woman shall not be so employed on the whole for more than five days in

(c) An order has been made extending this exception in certain cases. App. 129.

(d) This exception applies to the processes of making preserves from fruit, of preserving or curing fish, &c., of making condensed milk. Third sched., pt. 5, *post*, p. 110.

any one week, nor for more than ninety-
six days in any twelve months. **Sect. 56.**

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

LVII. Where it appears to a Secretary of State **Sect. 57.**
that factories driven by water power are liable to be Exception
for factories
driven by
water
power.
stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months. (e)

(e) An order has been made granting a special exception under this section. App. 130.

(d.) *Nightwork.*

Sect. 58.
Employ-
ment of
male young
persons at
night.

LVIII. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies (*e*), of male young persons during the night (*f*), if they are employed in accordance with the following conditions:

- (1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned; and
- (2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed; and
- (3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment; and
- (4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

(*e*) Namely, blast furnaces, iron mills, letter-press printing works, and paper mills. Third sched., pt. 6, *post*, p. 111.

(*f*) "Night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning. S. 96.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

Sect. 58

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards. (g)

LIX. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

Sect. 59.
Employment in certain letter-press printing works of male young persons of 16 at night.

LX. In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

Sect. 60.
Employment of male young persons in glass works.

- (1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and
- (2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in

(g) An order has been made extending this exception in favour of oil and seed crushing mills (factories). App. 132.

Sect. 60.

the accustomed number of separate turns per week, so that such number of turns do not exceed nine ; and

- (3.) Such young person shall not work in any turn without an interval of time not less than one full turn ; and
- (4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

Sect. 61.

Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

- (4.) *Special Exception for Domestic and certain other Factories and Workshops.*

LXI. The provisions of this Act which relate—

- (1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop (g) ; or
- (2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room (h) ; or
- (3.) To the affixing of any notice or abstract in a factory or workshop ; or specifying any matter in the notice so affixed (i) ; or
- (4.) To the allowance of any holidays to a child, young person, or woman (k) ; or

(g) Ss. 3, 33, 36. But see this section *infra*, as to bakehouses.

(h) S. 17.

(i) See ss. 18, 19, 22.

(k) S. 22.

(5.) To the sending notice of accidents (l);
shall not apply—

Sect. 61.

(a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used and in which the only persons employed are members of the same family dwelling there (m); or

(b.) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness (n) for employment shall apply to any such private house, room, or place as afore-said, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes

(l) S. 31.

(m) That is, to "domestic" factories and workshops. See s. 16.

(n) S. 27, *et seq.* In the case of a factory the occupier is (by s. 27) bound to procure the certificate of fitness; but in the case of a workshop it is optional in him to do so or not, as he pleases, s. 28; except in the cases of workshops to which a Secretary of State has extended the obligation (under s. 41).

Sect. 61. it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including limewashing, painting, varnishing and washing), or to freedom from effluvia.

Sect. 62.
Exception
for certain
descriptions
of flax
scutch mills
from certain
provisions
of Act.

LXII. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

(5.) *Supplemental as to Special Provisions.*

Sect. 63.
Require-
ment of
sanitary
provisions
as condition
of special
exceptions.

LXIII. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a Secretary of State that the adoption of

any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order. **Sect. 63.**

LXIV. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order. **Sect. 64.**
Power to rescind order granting or extending exception.

LXV. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order: **Sect. 65.**
Provisions as to order of Secretary of State.

- (1.) The order shall be under the hand of the Secretary of State, and shall be published in the *London Gazette*, and shall come into operation at the date of such publication in the *London Gazette*, or at any later date mentioned in the order:
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:
- (3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the

Sect. 65.

next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order :

- (4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

Sect 66.

Provisions
as to
occupier
availing
himself of
special
exceptions,
and registry
of work
under them.

LXVI. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply (o)) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals

(o) That is, domestic factories and workshops, and workshops where children are not employed. S. 61.

to every child, young person, and woman where they differ from the ordinary hours or times. Sect. 66.

An occupier of a factory or workshop shall enter in the prescribed (*p*) register, and report to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act (*q*), and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and
- (2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act (*r*).

(*p*) That is, prescribed by a Secretary of State. Ss. 77, 93.

(*q*) S. 63; p. 60, *ante*.

(*r*) Ss. 81, 83 respectively contain the penalties for these offences.

PART III.

ADMINISTRATION, PENALTIES, AND LEGAL
PROCEEDINGS.(1.) *Inspection.*

Sect. 67.

Appoint-
ment, pay-
ment, &c.
of inspec-
tors of
factories,
and clerks
and
servants.

LXVII. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) (r) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the *London Gazette*.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceeding of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

(r) See order of Secretary of State fixing the titles to be borne by inspectors. App. 133.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the *London Gazette* or otherwise as he thinks expedient for making the same known to all persons interested. Sect. 67.

LXVIII. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely, Sect. 68.
Powers of
inspectors.

- (1.) To enter (s), inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and
- (2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and
- (3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and
- (5.) To enter any school in which he has reason-

(s) The inspector must, when required, on applying for admission produce his certificate. S. 70.

Sect. 68.

able cause to believe that children employed in a factory or workshop are for the time being educated ; and

- (6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; and
- (7.) To exercise such other powers as may be necessary for carrying this Act into effect.

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act : Provided always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution

of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act (*x*), the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds.

Sect. 68.

LXIX. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is hereinafter mentioned from a justice of the peace.

Sect. 69.
Restriction
on entry of
inspector
into
dwellings.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

(*t*) That is, in a domestic factory or workshop. S. 16.

Sect. 70.

Certificates
of appoint-
ment of
inspectors.

LXX. Every inspector under this Act shall be furnished with the prescribed (*u*) certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Sect. 71.

Poor law
medical
officers
to act
where no
certifying
surgeon
within
three miles.

LXXI. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Sect. 72.

Appoint-
ment of
certifying
surgeons.

LXXII. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

(*u*) *I.e.*, prescribed by a Secretary of State. S. 93.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them. **Sect. 72.**

LXXIII. A certificate of fitness (*v*) for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein. **Sect. 73.**
Regulations as to the grant of certificates of fitness.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

LXXIV. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect (*w*): **Sect. 74.**
Fees of certifying surgeons for examination of children and young persons.

- (1.) The occupier may agree with the certifying surgeon as to the amount of such fees:
- (2.) In the absence of any such agreement the

(*v*) As to these certificates, see ss. 27, *et seq.*

(*w*) It is one of the duties of these officers to investigate cases of accidents at factories and workshops; and for this purpose they have the same powers as an inspector, and have also power to enter any room in a building to which the person killed or injured has been removed. S. 32; *ante*, p. 37.

Sect. 74.

fees shall be those named in the following scale :—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	}	2s. 6d. for each visit and 6d. for each person after the first five examined at that visit.
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When the examination is at a factory or workshop more than one mile from the surgeon's residence,	}	The above fees and an additional 6d. for each complete half mile over and above the mile.
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When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place, as well as the day and hour appointed for the purpose shall be published in the prescribed manner,	}	6d. for each person examined.
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- (3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector :
- (4.) The occupier may deduct the fee or any part

thereof, not exceeding in any case three-
pence, from the wages of the person for
whom the certificate was granted :

Sect. 74.

- (5.) A Secretary of State may from time to time,
if he think it expedient, alter any fees
fixed by this section.

(3.) *Miscellaneous.*

LXXXV. Every person shall, within one month
after he begins to occupy a factory (x), serve on an
inspector a written notice containing the name of
the factory, the place where it is situate, the address
to which he desires his letters to be addressed, the
nature of the work, the nature and amount of the
moving power therein, and the name of the firm
under which the business of the factory is to be
carried on, and in default shall be liable to a fine
not exceeding five pounds.

Sect. 75.

Notice of
factory to be
given to
inspector.

LXXXVI. Where an inspector, by notice in writing,
names a public clock, or some other clock open to
public view, for the purpose of regulating the period
of employment in a factory or workshop, the period
of employment and times allowed for meals for
children, young persons, and women in that factory
or workshop shall be regulated by that clock, which
shall be specified in the notice affixed in the factory
or workshop (y).

Sect. 76.

Regulation
of hours by
public
clock.

LXXXVII. The occupier of every factory and
workshop to which this section applies shall keep in
the prescribed (z) form and with the prescribed

Sect. 77.

Registers to
be kept in a

(x) This requirement does not apply to workshops.

(y) The notice need not be affixed in a domestic factory or work-
shop, nor in a workshop where children and young persons are not
employed. S. 61.

(z) *I.e.*, prescribed by a Secretary of State. For the penalties for
making false entries in any register, notice, certificate or document
required by the Act, see s. 85 ; *post*, p. 76.

Sect. 77. particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

factory or
workshop.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment (a).

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Sect. 78.

Affixing in
factory or
workshop of
abstract of
Act and
notices.

LXXVIII. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

- (1.) The prescribed abstract of this Act ; and
- (2.) A notice of the name and address of the prescribed inspector ; and

(a) *Ss. 27, et seq.*

- (3.) A notice of the name and address of the certifying surgeon for the district ; and **Sect. 78.**
- (4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop (b).

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

LXXIX. Any notice, order, requisition, summons, **Sect. 79.** and document under this Act may be in writing or print, or partly in writing and partly in print. Printing or writing and service of notices and documents, &c.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop ; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post ; and where it is required to be served on or sent to the occupier of

(b) The provisions of the Act relating to the affixing of any notice or abstract in a factory or workshop ; or specifying any matter in the notice so affixed, do not apply to domestic factories or workshops, nor to workshops where children or young persons are not employed. S. 61 ; p. 58.

Sect. 79. a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Sect. 80.
Inspection
of weights
and
measures
used in
factories
and
workshops.

LXXX. Any Act for the time being in force relating to weights and measures (c) shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorized to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods.

(4.) *Fines.*

Sect. 81.
Fine for
not
keeping
factory or
workshop
in con-
formity
with Act.

LXXXI. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subse-

(c) See "The Weights and Measures Act, 1878," (41 & 42 Vict. c. 49); which consolidates the law relating to weights and measures.

quent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. **Sect. 81.**

LXXXII. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery (*d*) required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines : **Sect. 82.**

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

LXXXIII. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed ; and where a child, **Sect. 83.**

(*d*) *Ante*, pp. 4, *et seq.* As to the liability of the owner or hirer of the machinery instead of the occupier of the factory, see s. 99 ; p. 92. And as to the general liability of the owner or occupier of the factory or workshop, see *ante*, pp. 7, *et seq.*

Sect. 83. young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act (*e*), the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act (*f*), employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Sect. 84.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

LXXXIV. The parent (*g*) of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school (*h*) in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Sect. 85.

Forgery of certificates, false

LXXXV. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other

(*e*) That is, a domestic factory or workshop, or workshop where children and young persons are not employed. S. 16 ; p. 23.

(*f*) S. 17 ; p. 25.

(*g*) That is, the parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person. S. 96 ; p. 89.

(*h*) S. 23 ; p. 28.

punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Sect. 85.
entries and
declara-
tions.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

LXXXVI. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

Sect. 86.
Fine on
person
com-
mitting
offence for
which
occupier is
liable.

LXXXVII. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and

Sect. 87.
Power of
occupier to
exempt
himself
from fine on
conviction
of the
actual
offender.

Sect. 87. that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

Sect. 88.
Restraint on
cumulative
fines.

LXXXVIII. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

- (a.) where the repetition of the offence occurs after an information has been laid for the previous offence ; or
- (b.) where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

Sect. 89.
Prosecu-
tion
of offences
and
recovery
and applica-

LXXXIX. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts (i).

(i) This expression means 11 & 12 Vict. c. 43 ("Jervis Act"), and any Acts amending it ; and a "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate,

A summary order may be made for the purposes **Sect. 89.**
of this Act by a court of summary jurisdiction in
manner provided by the Summary Jurisdiction Acts. tion of
fines.

All fines imposed in pursuance of this Act shall,
save as otherwise expressly provided by this Act, be
paid into the Exchequer.

The court of summary jurisdiction, when hearing
and determining a case arising under this Act, shall
be constituted either of two or more justices of the
peace sitting at some court or public place at which
justices are for the time being accustomed to
assemble for the purpose of holding petty sessions,
or of some magistrate or officer sitting alone or
with others at some court or other place appointed
for the public administration of justice, and for the
time being empowered by law to do alone any act
authorised to be done by more than one justice of
the peace.

Where a proceeding is taken before a court of
summary jurisdiction with respect to an offence
against this Act alleged to be committed in or
with reference to a factory or workshop, the occupier
of that factory or workshop, and the father, son, or
brother of such occupier, shall not be qualified to
act as a member of such court.

X.C. If any person feels aggrieved by a con- **Sect. 90.**
viction or order made by a court of summary Appeal to
quarter
sessions.
jurisdiction on determining an information or com-
plaint under this Act, he may appeal therefrom ;
subject, in England, to the conditions and regula-
tions following :

- (1.) The appeal shall be made to the next prac-
ticable court of general or quarter sessions
having jurisdiction in the county or place
in which the decision of the court was
given, holden not less than twenty-one

stipendiary or other magistrate, or officer, by whatever name called,
to whom jurisdiction is given by the Summary Jurisdiction Acts or
any Acts therein referred to. S. 96 ; p. 90.

Sect. 90.

- days after the day on which such decision was given ; and
- (2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal ; and
- (3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient ; and
- (4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody ; and
- (5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or

make such other order in the matter as **Sect. 90.**
the court thinks just ; and

- (6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just ; and
- (7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order ; and
- (8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

XCI. The following provisions shall have effect **Sect. 91.**
with respect to summary proceedings for offences
and fines under this Act :

- (1.) The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence :
- (2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law :

Limitation
of time and
general pro-
visions as to
summary
proceed-
ings.

Sect. 91.

- (3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :
- (4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Sect. 92.

Evidence in
summary
proceed-
ings.

XCII. If a person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply (j). Sect. 92.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

(j) That is, domestic factories and workshops, and workshops where children are not employed. S. 61 ; p. 58.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

Sect. 93.
Factories
and work-
shops to
which Act
applies.

XCIH. The expression "textile factory" in this Act means—

any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing (*jj*), or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof (*jj*):

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories (*k*).

The expression "non-textile factory" in this Act means—

(1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act (*l*),

(*ij*) *Taylor v. Hicks*, 12 C. B. N. S. 152. See *Howarth v. Coles*, Id., 139, as to the meaning of "finishing."

(*k*) The works, &c., mentioned in this proviso are comprehended within "non-textile" factories and workshops as defined below in this section, and each of them is particularly defined in the 4th schedule. Pp. 112, 114.

(*l*) These are the following (as more fully defined in the schedule):—

- | | |
|---------------------------------|----------------------------|
| (1) Print works. | (5) Percussion-cap works. |
| (2) Bleaching and dyeing works. | (6) Cartridge works. |
| (3) Earthenware works. | (7) Paper-staining works. |
| (4) Lucifer-match works. | (8) Fustian-cutting works. |

(2.) also any premises or places named in Part **Sect. 93.**

Two (*m*) of the said schedule wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there,

(3.) also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes,* or any of them; that is to say,

**Sic. Semble to be read "processes."*

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and wherein, or within the close or cur-

- | | |
|------------------------------------|-----------------------------------|
| (9) Blast furnaces. | (14) Paper mills. |
| (10) Copper mills. | (15) Glass works. |
| (11) Iron mills. | (16) Tobacco factories. |
| (12) Foundries. | (17) Letter-press printing works. |
| (13) Metal and india-rubber works. | (18) Bookbinding works. |
| | (19) Flax scutch mills. |

(*m*) That is to say, the following (as more fully defined in the schedule) :—

- | | |
|-----------------------|--------------------------|
| (20) Hat works. | (24) Shipbuilding yards. |
| (21) Rope works. | (25) Quarries. |
| (22) Bakehouses. | (26) Pit-banks. |
| (23) Lace warehouses. | |

To constitute the works, &c., here mentioned "factories," it is necessary that mechanical power be used on the premises. If such mechanical power is not so used the works are "workshops." See this section, *infra*.

Sect. 93.

tilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression "workshop" in this Act means—

(1.) any premises or places named in Part Two of the Fourth Schedule to this Act (*n*), which are not a factory within the meaning of this Act,

(2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes,* or any of them; that is to say,

**Sec.*

(a.) in or incidental to the making of any article or of part of any article, or

(b.) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) in or incidental to the adapting for sale of any article,

and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate

(*n*) P. 114. See preceding note for the enumeration of these places. The Act does not apply to workshops, other than bakehouses, where children, young persons, and women are not employed. P. 87. See ss. 97, 98, for special exemptions in favour of home work. Pp. 91, 92.

factory or workshop; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act. **Sect. 93.**

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air (o).

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school (oo) during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

XCIV. A child, young person, or woman who works in a factory or workshop, whether for wages or not, **Sect. 94.**
Definition

(o) This meets the decisions in *Kent v. Astley*, L. R. 5 Q. B. 19; and *Redgrave v. Lee*, 43 L. J. M. C. 105.

(oo) See definition of "recognised efficient school." S. 95; p. 88.

Sect. 94. either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein (*p*), shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

of employ-
ment and
working for
hire.

For the purposes of this Act an apprentice shall be deemed to work for hire (*q*).

Sect. 95.
Definition
of "certified
efficient
school."
33 & 34 Vict.
c. 75.

XCV. The expression "certified efficient school" in this Act (*r*) means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school

(*p*) The burthen of proving that a person found in a factory was *not* being "employed" is generally upon the occupier. S. 92; p. 82.

(*q*) The case of an apprentice would seem to be comprised under the first part of this section: it is not clear what the object is of this clause, there being no special provisions in respect of "persons working for hire."

The Act does not extend to a young person being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of the factory or workshop; nor does it extend to the process of gutting, salting and packing fish immediately upon its arrival in the fishing boats. S. 100; p. 92.

(*r*) S. 26. In the application of this Act to Scotland the expression "certified efficient school" means any public or other elementary school under Government inspection. S. 105. And in its application to Ireland it means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of the Act. S. 106. Pp. 95, 98.

which is not conducted for private profit and is open at all reasonable times to the inspection of her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

Sect. 95.36 & 37 Vict.
c. 86.Definition
of "re-
cognised
efficient
school."
33 & 34 Vict.
c. 75.

XCVI. In this Act, unless the context otherwise requires,—

Sect. 96.General de-
finitions.
"Child."

The expression "child" means a person under the age of fourteen years (s);

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years:

"Young
person."

The expression "woman" means a woman of eighteen years of age and upwards:

"Woman."

The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person;

"Parent."

(s) The employment of a child under ten years of age is prohibited absolutely. S. 20; p. 27. A child of thirteen years of age is to be deemed a "young person" for the purposes of the Act on attaining the prescribed educational standard. S. 26; p. 32. As to proof of age in legal proceedings, see s. 92; p. 82.

Sect. 96.	The expression "Treasury" means the Commissioners of her Majesty's Treasury :
"Treasury."	
"Secretary of State."	The expression "Secretary of State" means one of her Majesty's Principal Secretaries of State :
"Education Department."	The expression "Education Department" means the Lords of the Committee of the Privy Council on Education :
"Sanitary authority."	The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority (<i>s</i>).
33 & 39 Vict. c. 55.	
"Person."	The expression "person" includes a body of persons corporate or unincorporate :
"Week."	The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night :
"Night."	The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning :
"Prescribed."	The expression "prescribed" means prescribed for the time being by a Secretary of State :
"Summary Jurisdiction Acts."	The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same (<i>t</i>) :
"Court of summary jurisdiction."	The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or

(s) For the definitions of this expression in the application of the Act to Scotland and Ireland, see ss. 105, 106. Pp. 95, 98.

other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to (t):

Sect. 96.

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

"Mill-gearing."

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

Special exemption of certain Trades.

XCVII. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act (u), shall not of itself constitute such house or room a workshop within the meaning of this Act.

Sect. 97.

Exemption of handicrafts in Fifth Schedule in private houses.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act (v), and that part shall apply

(t) For the definitions of this expression in the application of the Act to Scotland and Ireland, see ss. 105, 106. Pp. 96, 99.

(u) That is, straw plaiting, pillow-lace making, and glove-making. P. 116. See s. 16.

(v) See s. 65, sub-s. (2); p. 61.

Sect. 97. so far as circumstances admit as if the order were an order extending an exception.

Sect. 98. XCVIII. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

Exemption
of certain
home-work.

(2.) *Savings.*

Sect. 99. XCIX. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory (*w*).

Saving as to
liability of
hirer of
machine
where not
occupier.

Sect. 100. C. Nothing in this Act shall extend—

Saving for
person em-
ployed in
repair of
machinery,
or of factory
or work-
shop, or in
process of
curing fish.

(1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or

(2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

(*w*) As to the occupier's liability for offences against the Act, see ss. 81 (p. 74), *et seq.*

CI. The provisions of section ninety-one of the **Sect. 101.**
Public Health Act, 1875 (*x*), with respect to a fac- Application to factories and work-shops of 38 & 39 Vict. c. 55.
tory, workshop, or workplace not kept in a cleanly
state or not ventilated or overcrowded, shall not
apply to a factory or workshop which is subject to
the provisions of this Act relating to cleanliness,
ventilation, and overcrowding, but shall apply to
every other factory, workshop, and workplace.

It is hereby declared that the Public Health Act,
1875, shall apply to buildings in which persons are
employed, whatever their number may be, in like
manner as it applies to buildings where more than
twenty are employed (*y*).

CII. Any enactment or document referring to the **Sect. 102.**
Acts repealed by this Act, or any of them, or to any Construc-
tion of
enactments
&c., re-
ferring to
repealed
Acts.
enactment thereof, shall be construed to refer to this
Act and to the corresponding enactment thereof.

(3.) *Application of Act to Scotland and Ireland.*

CIII. The provisions of this Act shall, in the **Sect. 103.**
case of a factory or workshop in Scotland or Ireland, Temporary saving for employ-
ment of children under 10 and children over 13 in Scotland and Ireland.
in which a child under the age of ten years may
lawfully be employed at the passing of this Act, be
modified as follows ; that is to say,

- (1.) Shall apply during twelve months after the
commencement of this Act to children of
the age of nine years and upwards, as if
they were of the age of ten years ; and

(*x*) See these provisions cited p. 3, *ante*.

(*y*) By s. 4 of the Public Health Act, 1875, the word "house" is
defined to include "schools, also factories and other buildings in
"which more than twenty persons are employed at one time." But
the words italicised are now repealed. S. 107 ; 6th schedule. Pp.
100, 117. See s. 106, sub-s. 11, (as to the application of the Act
to Ireland) ; p. 99.

Sect. 103.

- (2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years ; and
- (3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons ; and
- (4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

Sect. 104.
 Certificates
 of birth for
 purposes of
 Act.

CIV. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

- (1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts ; and

- (2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition. **Sect. 104.** 26 & 27 Vict. c. 11.

CV. In the application of this Act to Scotland— **Sect. 105.**

- (1.) The expression "certified efficient school" means any public or other elementary school under Government inspection : Application of Act to Scotland.

- (2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop : 38 & 39 Vict. c. 13.

- (3.) The expression "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867: 30 & 31 Vict. c. 101.

- (4.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board :

The expression "poor law medical officer" means the medical officer appointed by the parochial board :

Sect. 135.

8 & 9 Vict.

c. 16.

8 & 9 Vict.

c. 17.

27 & 28 Vict.

c. 53.

- (5.) The expression "Companies Clauses Consolidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845 :
- (6.) The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same :
- (7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes :
- (8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by her Majesty on Education in Scotland :
- (9.) The expression "county court" means the sheriff court :
- (10.) All matters required by this Act to be published in the *London Gazette* shall (if they relate exclusively to Scotland), instead of being published in the *London Gazette*, be published in the *Edinburgh Gazette* only :
- (11.) The expression "information" means petition or complaint :
- (12.) The expression "informant" means petitioner, pursuer, or complainer :
- (13.) The expression "defendant" means defender or respondent :
- (14.) The expression "clerk of the peace" means sheriff clerk :
- (15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act :
- (16.) The court may make, and may also from time to time alter or vary, summary orders

under this Act on petition by such pro- Sect. 105.
curator fiscal or inspector presented in
common form :

- (17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector :
- (19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of her Majesty's Exchequer, and shall be carried to the Consolidated Fund :
- (21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes :
- (22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of his Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in

Sect. 105.38 & 39 Vict.
c. 62.**Sect. 108.**Application
of Act to
Ireland.

terms of the Summary Prosecutions
Appeal (Scotland) Act, 1875.

CVI. In the application of this Act to Ire-
land—

(1.) The expression “certified efficient school”
means any national school, or any school
recognized by the Lord Lieutenant and
Privy Council as affording sufficient means
of literary education for the purposes of
this Act :

(2.) In lieu of any two half-holidays allowed
under the provisions of sub-section (2)
in section twenty-two of this Act, there
shall be allowed as a holiday to every child,
young person, and woman employed in a
factory or workshop the whole of the
seventeenth day of March : Provided, that
when this date falls on a Sunday, this
sub-section shall have no effect as regards
such date :

(3.) The expression “sanitary authority” means
an urban or rural sanitary authority with-
in the meaning of the Public Health (Ire-
land) Act, 1874, and any Act amending
the same :

(4.) The expression “medical officer of health”
means the medical sanitary officer of the
sanitary district :

The expression “poor law medical officer”
means the dispensary doctor :

(5.) Any act authorized to be done or consent
required to be given by the Education
Department under this Act shall be done
and given by the Lord Lieutenant or Lords
Justices of Ireland, acting by and with
the advice of the Privy Council in Ire-
land :

(6.) The expression “county court” means the
civil bill court :

37 & 38 Vict.
c. 93.

- (7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, ^{14 & 15 Vict. c. 98.} **Sect. 108.** and any Act amending the same :
- (8.) A court of summary jurisdiction when hearing and determining any information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions :
- (9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, ^{14 & 15 Vict. c. 98.} and any Acts amending the same :
- (10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, ^{14 & 15 Vict. c. 90.} and any Act amending the same :
- (11.) The provisions of section nineteen of the ^{29 & 30 Vict. c. 90.} Public Health Act, 1866, or of any enactment substituted for that section, with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop which

Sect. 106.

is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace :

37 & 38 Vict.
c. 93.

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :

- (12.) All matters required by this Act to be published in the *London Gazette* shall, if they relate exclusively to Ireland, instead of being published in the *London Gazette*, be published in the *Dublin Gazette* only.

(4.) *Repeal.*

Sect. 107.
Repeal of
Acts.

CVII. The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned (z) :

Provided that—

- (1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and
- (2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall

(z) This section totally repeals all the numerous statutory provisions hitherto regulating factories and workshops. P. 117.

continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and Sect. 107.

- (3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act; and
- (4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act; and
- (5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act; and
- (6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act; and
- (7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January, 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act: 39 & 40 Vict.
c. 79.
37 & 38 Vict.
c. 44.

Sect. 107.

(8.) This repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or
- (b.) Any obligation or liability incurred under any enactment hereby repealed; or
- (c.) Any penalty or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d.) Any legal proceeding or remedy in respect of any such obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

1st Sched.

SPECIAL PROVISIONS FOR HEALTH.

Sect. 38.

Factories and Workshops in which the Employment of Young Persons and Children is restricted (a).

(1.) In a part of a factory or workshop in which there is carried on—
 the process of silvering of mirrors by the mercurial process; or
 the process of making white lead,

Restriction of employment of young persons and children;

a young person or child shall not be employed.

(2.) In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of children, &c., in glass works;

(3.) In a factory or workshop in which there is carried on—

of girls under 16 in certain employments;

(a.) the making or finishing of bricks or tiles, not being ornamental tiles; or

(b.) the making or finishing of salt,
 a girl under the age of sixteen years shall not be employed.

(a) S. 38 prohibits the employment of a child or young person to the extent mentioned in this schedule in the factories or workshops or parts thereof here named. P. 41.

- 1st Sched.** (4.) In a part of a factory or workshop in which there is carried on—
- of children in metal grinding and lucifer-match dipping; of child under 11 in dry grinding, &c.
- (a.) any dry grinding in the metal trade, or
- (b.) the dipping of lucifer matches,
- a child shall not be employed.
- (5.) In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

2nd Sched.**SECOND SCHEDULE.****SPECIAL RESTRICTIONS.***Places forbidden for Meals.*

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition (b) on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,

- (1.) In the case of glass works, to any part in which the materials are mixed; and
- (2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
- (3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room (c).

(b) S. 39; p. 41.

(c) See definitions of glass works, lucifer-match works, and earthenware works, 4th sched. (3), (4), (15); pp. 112, 114.

THIRD SCHEDULE.

3rd Sched.
Part 1.

SPECIAL EXCEPTIONS.

PART ONE.

Period of Employment.

The exception (d) respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon, or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

- (a.) Lithographic printing :
- (b.) Turkey red dyeing :
- (c.) The making of any article of wearing apparel :
- (d.) The making of furniture hangings :
- (e.) Artificial flower making :
- (f.) Bon-bon and Christmas present making :
- (g.) Valentine making :
- (h.) Fancy box making :
- (i.) Envelope making :
- (k.) Almanac making :
- (l.) Playing card making :
- (m.) Machine ruling :
- (n.) Biscuit making :
- (o.) Firewood cutting :
- (p.) Job dyeing : or
- (q.) Aërated water making ; and also to
- (r.) Bookbinding works : (e)
- (s.) Letter-press printing works : (e) and

(d) S. 42 ; p. 44.

(e) See definitions of letter-press printing works, and bookbinding works, 4th sched. (17), (18) ; p. 114.

3rd Sched.
Part 1.

(*t.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Part 2.

PART TWO.

Sect. 52

Meal Hours.

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day (*f*) are not to apply are—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,

Blast furnaces,

Iron mills,

Paper mills,

Glass works, and

Letter-press printing works; (*g*) and

(2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on (*h*) are not to apply are,—

(1.) The case of children, young persons, and

(*f*) See s. 52; p. 51.

(*g*) See definitions, 4th sched. (9), (11), (14), (15), (17); pp. 113, 114.

(*h*) S. 52.

women employed in the following fac- 3rd Sched.
tories; that is to say, Part 2.

Iron mills,

Paper mills,

Glass works (save as otherwise provided
by this Act), and

Letter-press printing works ; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

PART THREE.

Overtime.

Part 3.

Sect. 53.

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following ; that is to say,

Factories and work-shops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

3rd Sched.
Part 3.

- (1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather ; namely,
- (a.) Flax scutch mills ; and
 - (b.) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles, not being ornamental tiles ; and
 - (c.) The part of rope works (i) in which is carried on the open-air process ; and
 - (d.) The part of bleaching and dyeing works (i) in which is carried on open air bleaching or Turkey red dyeing ; and
 - (e.) A factory or workshop or part thereof in which is carried on glue making ; and
- (2.) Where press of work arises at certain recurring seasons of the year ; namely,
- (f.) Letter-press printing works ;
 - (g.) Bookbinding works ; and
- a factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—
- (h.) Lithographic printing ; or
 - (i.) Machine ruling ; or
 - (k.) Firewood cutting ; or
 - (l.) Bon-bon and Christmas present making ; or
 - (m.) Almanac making ; or
 - (n.) Valentine making ; or
 - (o.) Envelope making ; or
 - (p.) Aërated water making ; or
 - (q.) Playing card making ; and

(i) See definitions, 4th sched. (2), (21).

- (3.) Where the business is liable to sudden press **3rd Sched.**
of orders arising from unforeseen events; **Part 3.**
namely,

a factory or workshop, or part thereof,
in which is carried on the manufacturing
process or handicraft of—

(r.) The making up of any article of
wearing apparel; or

(s.) The making up of furniture hang-
ings; or

(t.) Artificial flower making; or

(u.) Fancy box making; or

(v.) Biscuit making; or

(w.) Job dyeing; and also,

(x.) A part of a factory or workshop
which is a warehouse not used
for any manufacturing process
or handicraft, and in which
persons are solely employed in
polishing, cleaning, wrapping,
or packing up goods.

Provided that the said exception shall not apply—

- (a.) Where persons are employed at home, that is
to say, to a private house, room, or place
which, though used as a dwelling, is by
reason of the work carried on there a
factory or workshop within the meaning
of this Act, and in which neither steam,
water, nor other mechanical power is used,
and in which the only persons employed
are members of the same family dwelling
there; or
- (b.) To a workshop or part thereof which is con-
ducted on the system of not employing
any child or young person therein.

**3rd Sched.
Part 4.**

PART FOUR.

Additional Half Hour.

Sect. 54.

Factories in which a child, young person, or woman may be employed for an additional half hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state (*j*) applies to the factories following; (that is to say),

- (a.) Bleaching and dyeing works;
- (b.) Print works;
- (c.) Iron mills in which male young persons are not employed during any part of the night;
- (d.) Foundries in which male young persons are not employed during any part of the night; and
- (e.) Paper mills in which male young persons are not employed during any part of the night.

Part 5.

PART FIVE.

Sect. 56.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening (*k*) applies to a factory or workshop or part thereof in which any of the following processes is carried on; namely,

The process of making preserves from fruit,
The process of preserving or curing fish, or
The process of making condensed milk.

(*j*) S. 54; p. 53.

(*k*) S. 56; p. 54.

PART SIX.

3rd Sched.
Part 6.*Night Work.*

Sect. 58.

The exception with respect to the employment of male young persons during the night (*l*) applies to the factories following ; (that is to say),

Factories in which male young persons may be employed at night.

- (a.) Blast furnaces,
- (b.) Iron mills,
- (c.) Letter-press printing works, and
- (d.) Paper mills.

PART SEVEN.

Part 7.

Spell.

Sect. 48.

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory (*m*), applies to textile factories solely used for—

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

- (a.) The making of elastic web ; or
- (b.) The making of ribbon ; or
- (c.) The making of trimming.

(*l*) S. 58 ; p. 56.

(*m*) S. 48 ; p. 48.

4th Sched.
Part 1.

FOURTH SCHEDULE.

Sects. 93, 96.

LIST OF FACTORIES AND WORKSHOPS (n).

PART ONE.

Non-Textile Factories."Print
works."

(1.) "Print works" (o), that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

"Bleaching
and dyeing
works."

(2.) "Bleaching and dyeing works" (o), that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on;

"Earthen-
ware
works."

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles, not being ornamental tiles;

"Lucifer-
match
works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood;

(n) The factories and workshops defined in this schedule are in the Act referred to by the short names here assigned to them. S. 96; p. 91.

The works specified in the first part of this schedule are non-textile factories whether or not mechanical power is used in aid of the manufacturing process. S. 93; p. 84.

(o) These works are expressly excluded from the definition of "textile factories." *Id.*

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

4th Sched.
Part 1.
"Percussion
cap works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

"Cartridge
works."

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

"Paper-
staining
works."

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

"Fustian
cutting
works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnaces or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

"Blast fur-
naces."

(10.) "Copper mills ;"

"Copper
mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

"Iron
mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

"Found-
ries."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other

"Metal and
india-
rubber
works."

4th Sched. mechanical power is used for moving machinery
Part 1. employed in the manufacture of machinery, or in the
 manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha;

"Paper-mills." (14.) "Paper mills" (*p*), that is to say, any premises in which the manufacture of paper is carried on;

"Glass works." (15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on;

"Tobacco factories." (16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on;

"Letter-press printing works." (17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on;

"Bookbinding works." (18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on;

"Flax scutch mills." (19.) Flax scutch mills (*p*).

Part 2.

PART TWO.

Secta. 93, 96. *Non-Textile Factories and Workshops (q).*

"Hat-works." (20.) "Hat works" (*r*), that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on;

"Rope works." (21.) "Rope works" (*r*), that is to say, any

(*p*) These mills are also expressly excluded from the definition of "textile factories." S. 93; p. 84.

(*q*) The works, &c., specified in the second part of this schedule are not *factories* within the Act, unless either mechanical power is used in the manufacturing process, or unless they fall within the general definition of non-textile factories given in sub-a. (3) of the first part of the 93rd section. P. 85.

(*r*) These works are expressly excluded from the definition of "textile factories." S. 93.

premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

4th Sched.
Part 2.

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived ;

" Bake-
houses."

(23.) "Lace warehouses" (r), that is to say, any premises, room, or place not included in bleaching and dyeing works as hereinbefore defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

"Lace
ware-
houses."

(24.) "Shipbuilding yards" (s), that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired ;

"Shipbuild-
ing yards."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals ;

"Quarries."

(26.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

"Pit-
banks."

35 & 36 Vict.
c. 76.
35 & 36 Vict.
c. 77.

(r) These works are expressly excluded from the definition of "textile factories." S. 93.

(s) See *Palmer's Ship Building Company v. Chayter*, L. R. 4 Q. B. 209.

5th Sched.

Sect. 97.

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS (*t*).

Straw plaiting.
Pillow-lace making.
Glove making.

(*t*) The exercise of manual labour in the handicrafts here specified in any private house or room by the family dwelling therein will not constitute such house or room a workshop within the Act. S. 97 ; p. 91.

SIXTH SCHEDULE.

6th Sched.

Acts repealed (u).

Sect. 107.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3, c. 73 .	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4, c. 103	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15 .	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40 .	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54 .	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38 .	The Factory Act, 1856.	The whole Act.
24 & 25 Vict. c. 117	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40 .	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48 .	The Factory Acts Extension Act, 1864.	The whole Act.

(u) The Acts here specified are repealed from and after the commencement of this Act (1st January, 1879), to the extent mentioned in the third column. S. 107 ; p. 100.

6th Sched.

Session and Chapter.	Title of Act.	Extent of Repeal.
29 & 30 Vict. c. 90 .	The Sanitary Act, 1866.	The following words (so far as unrepealed) in section nineteen, "not already under the operation of any general Act for the regulation of factories or bake-houses."
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146.	The Workshop Regulation Act, 1867.	The whole Act.
33 & 34 Vict. c. 62 .	The Factory and Workshop Act, 1870.	The whole Act.
34 & 35 Vict. c. 19 .	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
34 & 35 Vict. c. 104	The Factory and Workshop Act, 1871.	The whole Act.
37 & 38 Vict. c. 44 .	The Factory Act, 1874.	The whole Act.
38 & 39 Vict. c. 55 .	The Public Health Act, 1875	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses."

6th Sched.

Session and Chapter.	Title of Act.	Extent of Repeal.
39 & 40 Vict. c. 79 .	The Elementary Education Act, 1876.	Section eight and the following words in section forty-eight, "the Factory Acts, 1833 to 1874, "as amended by "this Act, and includes the Work-shop Acts, 1867 "to 1871, as amended by this Act, "and " .



APPENDIX.

Orders of Secretary of State made under the Factory
and Workshop Act, 1878. [December, 1878.] (v)

FACTORY AND WORKSHOP ACT, 1878.

41 Vict. c. 16, s. 45 (w).

BISCUIT-BAKING. CONTINUATION OF EMPLOYMENT OF MALE YOUNG PERSONS ABOVE 16 AS ADULTS.

Order of Secretary of State granting Special Exception.

WHEREAS 'it has been proved to my satisfaction that the exigencies of the trade of biscuit-baking carried on in bakehouses require that the special exception hereinafter

(v) Under several of the sections comprised in Part 2 (ss. 33—66) of The Factory and Workshop Act, 1878, a Secretary of State is empowered to make orders granting or extending special exception: in certain cases. Any order thus granted must be under his hand, and must be published in the *London Gazette*, and come into operation at the date of such publication, or at any later date mentioned in the Order. P. 61. For provisions applying to such orders, see s. 65 ; p. 61.

(w) By s. 45 a Secretary of State is empowered to grant to bakehouses a special exception permitting the employment of male young persons of 16 years of age and upwards, as if they were no longer young persons. P. 47.

mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order made under Part 2 of the said Act, grant to the bakehouses mentioned in the Schedule hereunder, this special exception, permitting any male young person who on 1st January, 1879, is of the age of 16 years or upwards, and before the 1st January, 1879, was lawfully employed in biscuit-baking in a bakehouse between the hours of 5 A.M. and 9 P.M. subject to no statutory regulations as to meals or rest, to continue to be employed in biscuit-baking in a bakehouse between the same hours, as if he were no longer a young person.

This Order shall come into effect on 1st January, 1879.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

Bakehouses or parts thereof in which is carried on the process of baking biscuits.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 46 (x).

SUBSTITUTION OF ANOTHER DAY FOR SATURDAY.

Order of Secretary of State granting Special Exception.

WHEREAS it has been proved to my satisfaction that the customs or exigencies of the trades carried on in non-textile

(x) By s. 46 a Secretary of State is empowered to grant to any class of non-textile factories or workshops a special exception authorising the occupier to substitute by a notice affixed in his factory or

factories and workshops of the classes mentioned in the Schedule hereunder, require some other day in the week to be substituted for Saturday, as regards the hour at which the period of employment for children, young persons, and women is required by the Factory and Workshop Act, 1878, to end on Saturday;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the said Act, grant to factories and workshops of such classes a special exception, authorising the occupier of every such factory and workshop to substitute, by notice affixed in his factory or workshop, some other day for Saturday; and so long as the special exception is acted upon, the Act shall apply in such factory or workshop, in like manner as if the substituted day were Saturday, and Saturday were an ordinary workday.

This Order shall come into effect on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

(a) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.

(b) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.

(c) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.

(d) Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half-holiday.

workshop some other day for Saturday as regards the hour at which the period of employment is required to end on Saturday.
P. 48.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 48 (y).

FIVE HOURS' SPELL.

Order of Secretary of State extending Special Exception.

WHEREAS the Factory and Workshop Act, 1878, Section 48, contains a special exception to the effect that in any of the textile factories to which the exception hereinafter set forth, applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at 7 A.M., and the whole time between that hour and 8 A.M. is allowed for meals, the regulations of the Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the 1st November and 31st March next following, being employed continuously, without an interval of at least half-an-hour for a meal, for the same period as if the factory were a non-textile factory;

And whereas the special exception is by the Act declared to apply to the textile factories referred to in the said section;

And whereas it has been proved to my satisfaction that in textile factories of the classes mentioned in the Schedule hereunder, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing processes carried on therein are of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby;

Now I, the Right Honourable Richard Assheton Cross,

(y) By s. 48 a Secretary of State is empowered to extend to any class of textile factories the exception as to the continuous employment of children, young persons, and women contained in that section. P. 49.

one of Her Majesty's Principal Secretaries of State, by this Order made under Part 2 of the said Act, extend this exception accordingly.

This Order shall come into effect on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

Hosiery factories.

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.

Factories in which the only processes carried on are those of winding and throwing raw silk or either of such processes.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 49 (z).

DIFFERENT HOLIDAYS TO DIFFERENT SETS.

Order of Secretary of State granting Special Exception.

WHEREAS it has been proved to my satisfaction that the customs or exigencies of the trades carried on in non-textile factories and workshops of the classes mentioned in the Schedule hereunder, require that the special exception hereafter mentioned should be granted;

(z) By s. 49 a Secretary of State is empowered to grant to any class of non-textile factories or workshops a special exception authorising the occupier to allow all or any of the half holidays, or whole holidays in lieu of them, on different days, to any of the children, young persons, and women employed, or to any sets of them, and not on the same days. P. 49.

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the Factory and Workshop Act, 1878, grant to factories and workshops of such classes a special exception, authorizing the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

This Order shall come into operation on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

(a) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.

(b) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.

(c) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.

FACTORY AND WORKSHOP ACT, 1878.

41, Vict., c. 16, s. 52 (a).

DIFFERENT MEAL HOURS.

Order of Secretary of State extending Special Exception.

WHEREAS the Factory and Workshop Act, 1878, Sec-

(a) By s. 52 a Secretary of State is empowered to extend to any class of factories or workshops the exceptions contained in that section. P. 52.

tion 52, contains a special exception to the effect that the provisions of the Act which require that all children, young persons, and women employed in the factory or workshop shall have the times allowed for meals at the same time of the day shall not apply in the cases therein referred to ;

And whereas it has been proved to my satisfaction that in factories and workshops of the classes mentioned in the Schedule hereunder, it is necessary, by reason of the continuous nature of the processes and the special circumstances affecting such classes, to extend thereto the foregoing special exceptions, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby ;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the said Act, extend such special exception accordingly.

This Order shall come into operation on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

(a) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery, commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.

(b) Non-textile factories and workshops wherein is carried on the making of wearing apparel.

(c) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 52 (b).

EMPLOYMENT, &c., DURING MEAL HOURS.

Order of Secretary of State extending Special Exception.

WHEREAS the Factory and Workshop Act, 1878, Section 52, contains a special exception to the effect that the provisions of the Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be allowed to remain in a room in which the manufacturing process or handicraft is being carried on, shall not apply in the cases therein referred to;

And whereas it has been proved to my satisfaction, that in factories and workshops of the classes mentioned in the Schedule hereunder, it is necessary, by reason of the continuous nature of the processes and the special circumstances affecting such classes, to extend thereto the foregoing special exception, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order made under Part 2 of the said Act, extend such exception accordingly.

This Order shall come into operation on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

(a) Textile factories wherein female young persons or

(b) See preceding note.

women employed in a distinct department, in which there is no machinery, commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.

(b) Non-textile factories and workshops wherein is carried on the making of wearing apparel.

(c) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 54 (c).

OVERTIME 30 MINUTES. INCOMPLETE PROCESS.

Order of Secretary of State extending Special Exception.

WHEREAS the Factory and Workshop Act, 1878, Section 54, contains a special exception to the effect that if, in any factory or workshop or part thereof to which the exception applies, the process in which a child, young person or woman is employed, is in an incomplete state at the end of the period of employment of such child, young person or woman, the provisions of the Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes ;

Provided that such further periods, when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise the total above the number otherwise allowed under the Act ;

And whereas this special exception is by the Act declared

(c) By s. 54 a Secretary of State is empowered to extend the exceptions contained in that section to any class of non-textile factories or workshops. P. 53.

to apply to the factories and workshops referred to in the said section ;

And whereas it has been proved to my satisfaction that in non-textile factories and workshops of the class mentioned in the Schedule hereunder, or parts of such non-textile factories and workshops, the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension of this exception to such class of factories or workshops or parts thereof can be made without injury to the health of the children, young persons, and women affected thereby ;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the Factory and Workshop Act, 1878, do extend this exception accordingly.

This Order shall come into operation on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

Non-textile factories and workshops or parts thereof in which is carried on the process of baking of bread or biscuits.

FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, s. 57 (d).

WATER MILLS. LOST TIME.

Order of Secretary of State granting Special Exception.

I, the Right Honourable Richard Assheton Cross, one of

(d) By s. 57 a Secretary of State is empowered to grant to factories driven by water-power, which are liable to be stopped by drought or flood, a special exception permitting the employment of young persons and women during a period from 6 A.M. until 7 P.M.
P. 55.

Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the Factory and Workshop Act, 1878, grant to every factory falling within the class of factories mentioned in the Schedule hereunder, a special exception permitting the employment therein of young persons and women during a period of employment from 6 A.M. to 7 P.M., for the purpose of recovery of time lost from the stoppage of such factory by drought or flood, subject nevertheless to the following conditions :—

1. No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
2. Notice of the time lost and the cause thereof shall be reported to the Inspector within three days of such loss.
3. Notice of the recovery of the time lost shall be reported to the Inspector, day by day, as the same has been recovered.
4. This special exception shall not be available—
 - (a) for the recovery of any time lost more than twelve months previously ;
 - (b) for the recovery of time lost from the stoppage of the factory by drought, for more than 96 days in any period of twelve months ;
 - (c) for the recovery of time lost from the stoppage of the factory by floods, for more than 48 days in any period of twelve months.
5. This special exception will not authorise the employment of children.

This Order shall come into effect on the 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

Factories in which water-power alone is used to move machinery.

FACTORY AND WORKSHOP ACT. 1878.

41 Vict., c. 16, s. 58 (e).

NIGHT WORK. MALE YOUNG PERSONS ABOVE 16.

Order of Secretary of State extending Special Exception.

WHEREAS the Factory and Workshop Act, 1878, Section 58, contains a special exception to the effect that nothing in the Act shall prevent the employment, in factories to which the exception applies, of male young persons during the night, if they are employed in accordance with the following conditions :

- (1.) The period of employment shall not exceed 12 consecutive hours, and shall begin and end at the hours specified in the notice in the Act mentioned ; and
- (2.) The provisions of Part 1 of the Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and
- (3.) A male young person employed during any part of the night shall not be employed during any part of the 12 hours preceding or succeeding the period of employment ; and
- (4.) A male young person shall not be employed on more than 6 nights, or in the case of blast furnaces or paper-mills 7 nights, in any two weeks.

And the said Act declares that the provisions of the Act, with respect to the period of employment on Saturday, and with respect to the allowance to young persons of 8 half-holidays in every year or whole holidays in lieu of them,

(e) By s. 58 a Secretary of State is empowered to extend to any class of non-textile factories or workshops or parts thereof the exception contained in that section. P. 57.

shall not apply to a male young person employed in day and night turns in pursuance of this exception ;

And whereas this special exception is by the Act declared to apply to the factories referred to in the said section ;

And whereas it has been proved to my satisfaction that in non-textile factories of the class mentioned in the Schedule hereunder, it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of 16 or upwards at night, and that such employment will not injure the health of the male young persons employed ;

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, by this Order, made under Part 2 of the said Act, extend the said exception to factories of such class so far as regards male young persons of 16 or upwards.

This Order shall come into effect on 1st January, 1879, and shall, unless previously revoked, continue in force until 31st December, 1882, and no longer.

Home Office, Whitehall, 10th December, 1878.

Richd. Assheton Cross.

Schedule.

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THE FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16.

In pursuance of the power vested in the Secretary of State by Section 67 (f) of the Factory and Workshop Act, 1878 (41 Vict., c. 16), Mr. Secretary Cross has been pleased to fix the titles to be borne in future by the Inspectors under that Act, viz :—

The officers hitherto known as " Inspectors of Factories " to be styled " Her Majesty's Chief Inspectors of Factories and Workshops."

(f) P. 64.

The officers known as "Assistant-Inspectors of Factories" to be styled "Her Majesty's Superintending Inspectors of Factories and Workshops," and

The officers known as "Sub-Inspectors of Factories" to be styled "Her Majesty's Inspectors of Factories and Workshops."

Whitehall, Dec. 24, 1878.

THE FACTORY AND WORKSHOP ACT, 1878.

41 Vict., c. 16, ss. 23, 96 (*g*).

Order of Secretary of State defining an Attendance at School (England).

WHEREAS by the Factory and Workshop Act, 1878, it is enacted as follows:—

[*Recites s. 23 verbatim to the words "and six in the evening;" and s. 96 definition of "Education Department."*]

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, with the consent of the Lords of the Committee of the Privy Council on Education, hereby for the purposes of the above enactment so far as concerns England, define "Attendance" to mean the attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects.

Richd. Assheton Cross.

Home Office, Whitehall, Dec. 24, 1878.

(*g*) Pp. 30, 90.

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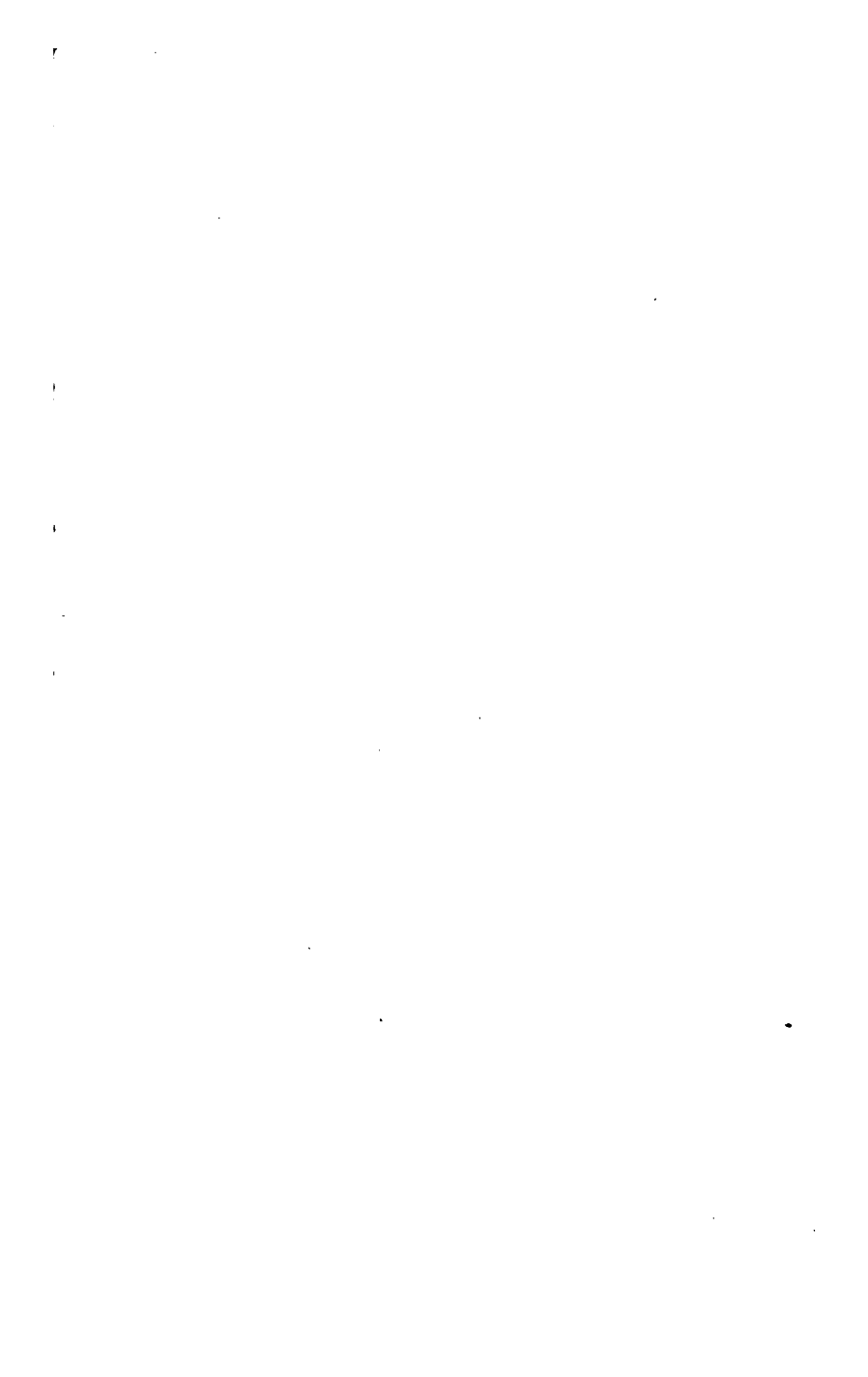
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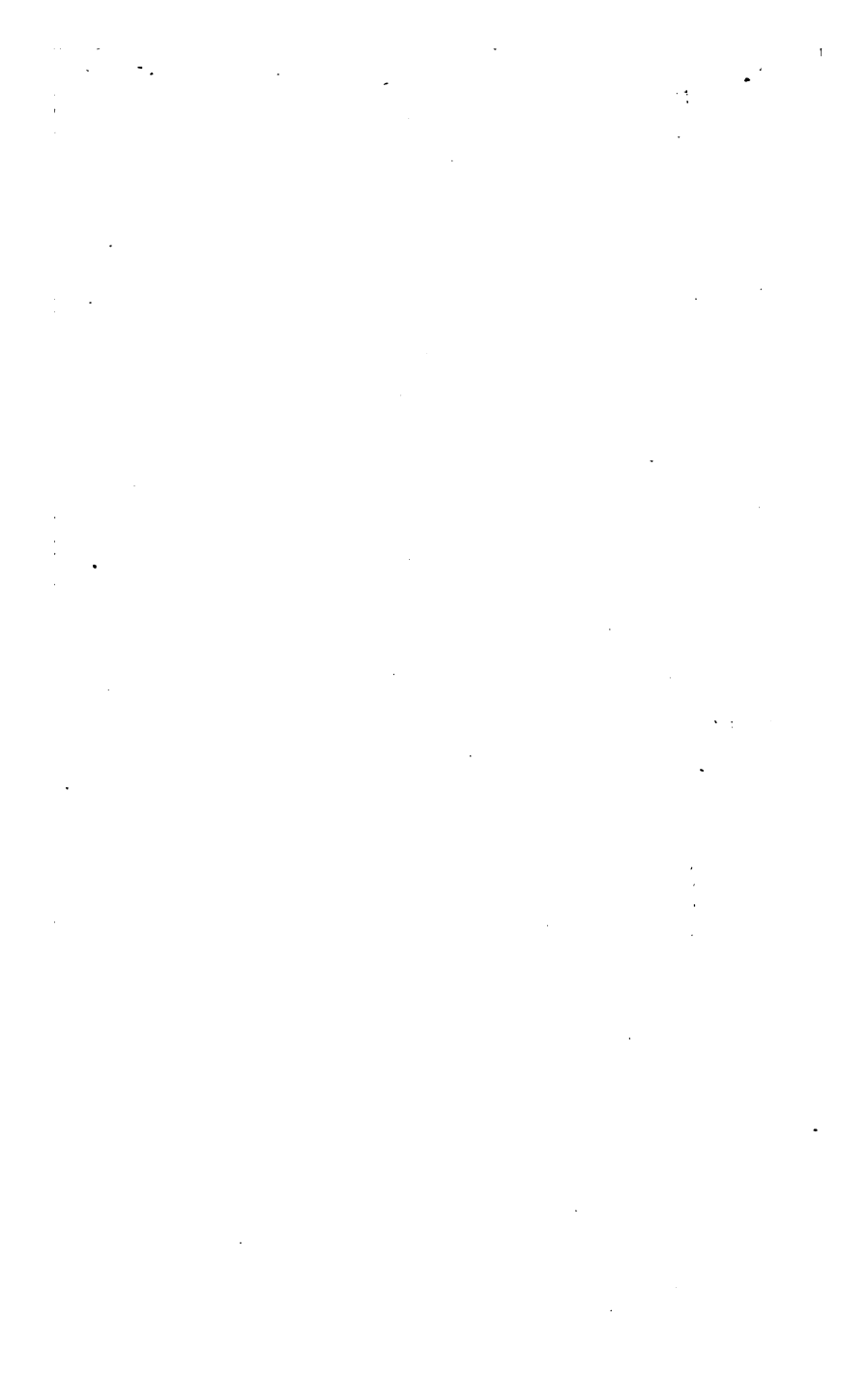
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